

Cornell Law School Library

Cornell University Library
KGL1009.21912

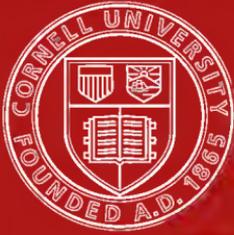
v.2

Laws of Barbados /



3 1924 017 514 435

law



Cornell University Library

The original of this book is in
the Cornell University Library.

There are no known copyright restrictions in
the United States on the use of the text.

LAWS OF BARBADOS.



BY AUTHORITY.

Revised and Consolidated

BY

THE COMMISSIONERS,

G. AUBREY GOODMAN, K.C.,—ATTORNEY GENERAL.

AND

C. P. CLARKE, L.L.B., K.C.,—SOLICITOR GENERAL.

VOL. 2.

1891-25. — 1903-10.

BARBADOS.

PRINTED AT ADVOCATE PRINTING WORKS, 34, BROAD STREET.

1912.

TABLE OF ACTS.

1891—25. An Act to consolidate and amend the Acts of this Island relating to Administration, to Trusts, and to Guardians, Executors, Administrators, and Trustees. [15 August 1891.].....	1
1891—26. An Act to fix the Salaries of the Chaplains of the Legislative Council and House of Assembly; to define the Powers of the Printing Committee; and to provide Stationery for the Clerk of the House of Assembly. [15 August 1891]...	37
1891—27. An Act to authorize Henry Edward Thorne to construct a Slip alongside a stelling already erected in the sea at the back of his Sulphuric Acid Works at Hole Town in the parish of Saint James and to grant him the sole use and benefit of the said stelling and Slip. [2 October 1891.]	38
1891—28. An Act to amend the law relating to Contempt of Court. [3 October 1891.]...	39
1891—29. An Act to make provision for the collection of a Police Tax. [30 November 1891.]	44
1892—1. An Act to consolidate and amend the law relating to Bills of Lading. [15 January 1892.]	47
1892—2. An Act to consolidate and amend the Acts of this Island relating to Poor Relief. [3 October 1892.].....	49
1892—3. An Act to authorize George Stade to drive Piles and erect a Jetty in the Sea opposite his lands situate near "Spring Garden" plantation in the parish of Saint Michael. [15 November 1892].....	59

TABLE OF ACTS.

1892—4.	An Act to appoint Trustees of the St. Mary's Schools, and to vest the Trust Funds in such Trustees. [10 December 1892].....	60
1893—1.	An Act for preventing Frauds upon Creditors by Secret Bills of Sale of Personal Chattels. [23 January 1893.]	61
1893—2.	An Act to provide for the Registration of Judgments. [24 January 1893.].....	69
1893—3.	An Act to authorize the Trustees of the Pilgrim Place School in the parish of Christ Church to expend the Trust Funds in founding Exhibitions at any of the Schools in this Island. [24 January 1893.]	72
1893—4.	An Act to naturalize Louis Bert de Lamarre within this Island. [18 April 1893.]	73
1893—5.	An Act to declare the Spanish, Mexican, and Columbian Dollar not a Legal Tender in this Island. [25 April 1893.].....	73
1894—1.	An Act to vest certain property given and bequeathed by the late Rowland Bulkeley under his will for certain Charitable Purposes in the parish of St. George in this Island, which have failed, in the Vestry for the time being of the said parish and their successors in office, and to authorize the said Vestry to apply the Annual Income of the said trust property in accordance with a certain Scheme which they have prepared. [12 June 1894.].....	74
1894—2.	An Act to vest two several Sums of Money and Securities in the Rector, Churchwarden, and Parochial Treasurer for the time being respectively of the parish of Saint George in this Island, upon certain Trusts of the Will of Francis Butcher, late of this Island, deceased, and to make other provisions with respect to the same trust funds. [13 June 1894.].....	81

TABLE OF ACTS.

1894—3. An Act for regulating the Examination, Registration, and practice of Druggists. [15 June 1894.].....	87
1894—4. An Act to vest in the Executive Committee certain lands known as the Constitution Swamp and the Reef. [22 June 1894.].....	99
1894—5. An Act for shortening the Language used in Acts of the Legislature. [7 July 1894.]	101
1894—6. An Act to amend the Law with respect to the sale of Agricultural Fertilizers and Feeding Stuffs. [10 July 1894.].....	106
1894—7. An Act to raise a sum not exceeding Three Hundred and Seventy Five Thousand Pounds by the issue of Inscribed Stock. [13 November 1894.]	111
1894—8. An Act to provide for the Reporting and Publishing of the Debates of the Legislative Council and the House of Assembly. [28 December 1894.].....	112
1895—1. An Act to enable the Executive Committee to acquire the Undertaking, works, plant, and property of the Bridgetown Waterworks Company and the Barbados Water Supply Company, Limited, and to provide for the Establishment and Maintenance of Water works. [20 February 1895.]	114
1895—2. An Act for Codifying the law relating to the Sale of Goods. [7 May 1895.]	136
1895—3. An Act to consolidate the Acts remedying sundry inconveniences arising to Her Majesty's Forces, and regulating and restricting the Wearing of Naval and Military uniforms in this Island. [4 July 1895.]	156
1895—4. An Act to provide for the erection and maintenance of a Central Sugar Factory. [6 September 1895.].....	158

TABLE OF ACTS.

1895—5.	An Act to impose an Estate Duty in respect of such Property of Persons Residing out of this Island as is situate in this Island and passes on the death of such persons. [23 September 1895].....	164
1895—6	An Act to make provision for the Examination of and Granting Certificates of competency to persons desiring to exercise the calling of Gaugers. [23 September 1895.]	166
1895—7.	An Act for the Prevention of Accidents arising from the use of Marlholes. [24 September 1895.].. ..	166
1896—1.	An Act to vest certain Lands and hereditaments and certain sums of Money and the securities for the same in the Rector for the time being of the parish of St. Philip and the Vicars for the time being of Holy Trinity and St. Martin's Chapel in that parish upon certain Trusts declared of and concerning the same in and by the will of Rebecca Garnes late of this Island, widow, deceased, and to make other provisions with respect to the same trust property. [23 January 1896.]	168
1896—2.	An Act to consolidate the Acts providing for the Registration of Marks on Merchandize and for the Protection of the same. [20 March 1896.].....	176
1896—3.	An Act to vest a certain Trust Fund and the Investments for the time being representing the same in the present Rector of the parish of Christ Church and his successors in office, and to declare the Trusts thereof. [28 July 1896].....	190
1896—4.	An Act to provide for the Licensing of Firearms. [12 August 1896]	191
1896—5.	An Act to consolidate and amend the Acts of this Island relating to Married Women. [22 October 1896.].....	194
1896—6.	An Act to consolidate the Acts relating to the Admission of Attorneys, Solicitors,	

TABLE OF ACTS.

and Proctors to practise in the Courts of this Island, and to their status thereafter, and to the delivery and Taxation of Bills of Costs. [25 November 1896.]	208
1896 —7. An Act to extend and regulate the Liability of Employers to make Compensation for Personal Injuries suffered by Workmen in their service. [25 November 1896]	226
1896 —8. An Act to vest the Property devised by Joseph Lyder upon Charitable Trusts for the Poor of the parish of Saint John in the Rector and Churchwarden of the said parish for the time being, and to declare the Trusts concerning the same. [25 November 1896.....]	229
1896 —9. An Act to consolidate the Acts of this Island authorizing the Vestry of the parish of Saint Michael to raise a Loan of six thousand five hundred pounds for Sanitary Works, and to enlarge the Westbury Cemetery. [2 December 1896.]	233
1897 —1. An Act to provide for the Commemoration of the completion of the sixtieth year of the reign of Her Most Gracious Majesty Queen Victoria by the institution of a Society for assisting the Emigration of Poor Women who cannot earn their living in this Colony. [21 May 1897].....	239
1897 —2. An Act to consolidate and amend the Acts of this Island relating to Landlord and Tenant. [19 June 1897.].....	242
1897 —3. An Act for the Suppression and Punishment of Vagrancy. [30 August 1897.]	265
1897 —4. An Act to provide for the Punishment in certain cases of persons wilfully and falsely making a Statutory Oath, Declaration, or Affirmation. [10 November 1897]	269
1897 —5. An Act to enable Life Assurance Companies to pay Money into Court in certain cases. [10 November 1897.].....	270

TABLE OF ACTS.

1897—6. An Act to consolidate and amend the Acts relating to the Settlement of the Poor, and prevention of Bastardy. [25 November 1897.].....	271
1898—1. An Act to enable the West Indian Oil Syndicate, Limited, their successors and assigns, to lay down Pipes for the purposes of their works under the Public Roads subject to certain restrictions and conditions. [1 February 1898.].....	279
1898—2. An Act to consolidate the Acts of this Island relating to Merchant Ships and Seamen. [7 July 1898.].....	282
1898—3. An Act to authorize the Vestry of the parish of St. Michael to purchase a Freehold Building for Parochial Purposes. [27 October 1898.].....	324
1899—1. An Act to consolidate the Acts of this Island relating to Escheat, to the Administration of the personal estate of persons dying Intestate and without Next of Kin, and to Casual Revenue of the Crown. [12 January 1899.].....	326
1899—2. An Act to regulate Manjak and other Mines [26 January 1899.].....	335
1899—3. An Act to consolidate the Acts relating to the recovery of Small Debts. [23 August 1899.]	338
1899—4. An Act to reduce the Number of Strokes that may be inflicted upon an Offender who may be ordered to be Whipped or Flogged. [28 November 1899.].....	362
1899—5. An Act to facilitate and regulate the supply and use of Electricity for Lighting and other purposes. [8 December 1899.]	363
1900—1. An Act to consolidate the Acts of this Island making provision for granting Aid to the Owners of Plantations to enable them to restore the works and buildings which were damaged by the	

TABLE OF ACTS.

Hurricane of the 10th September 1898. [31 January 1900.]..... ..	380
1900—2. An Act to authorize the Vestry of the parish of St. Thomas to raise a loan to enable them to purchase a Residence for the Parochial Medical Officer of the said Parish. [17 February 1900.]..... ..	386
1900—3. An Act to provide for the Registration of Newspapers. [23 February 1900.]	391
1900—4. An Act to consolidate the Acts relating to the Assistant Court of Appeal. [1 August 1900.]..... ..	395
1900—5. An Act to provide for the Licensing and use of Omnibuses, Livery Carriages, and Hackney Carriages. [9 November 1900.]	434
1900—6. An Act to consolidate and amend the Acts of this Island relating to Parish Constables. [1 December 1900.]..... ..	443
1900—7. An Act to consolidate and amend the Acts of this Island relating to Highways. [1 December 1900.]..... ..	447
1900—8. An Act to authorize the Vestry of the parish of St. Philip in this Island to raise a loan for the purpose of purchasing a suitable spot of land and erecting thereon a Vicarage for St. Martin's in the said Parish. [6 December 1900.].....	485
1901—1. An Act to fix a Tariff of duties on goods imported into this Colony. [29 March 1901.]	486
1901—2. An Act to consolidate the Acts of this Island relating to the Representation of the People. [23 May 1901.]..... ..	494
1901—3. An Act to provide for the Investment of the Surplus Revenue of the Colony. [2 August 1901.]..... ..	530
1901—4. An Act to prevent the Burning of fields of Sugar Cane. [23 October 1901.]..... ..	530

TABLE OF ACTS.

1901—5. An Act to amend the Act of the twentieth day of October one thousand eight hundred and seventy four entitled "An Act for incorporating the Barbados Branch of the Independent Order of Odd Fellows Manchester Unity, Friendly Society." [21 November 1901.]	531
1901—6. An Act to provide Pensions for Teachers of Public Elementary Schools. [28 December 1901.]	534
1902—1. An Act to amend the law relating to the Exportation of Arms, Ammunition, and Military and Naval Stores. [17 January 1902.]	535
1902—2. An Act to facilitate the Investment of Trust and other Funds in the United Kingdom in Barbados Government Securities. [17 January 1902.].....	536
1902—3. An Act to consolidate and amend the Acts of this Island relating to Dog Licenses. [25 February 1902.].....	538
1902—4. An Act to authorize and regulate the use of Locomotives on Highways. [10 May 1902.]	541
1902—5. An Act to provide for a voluntary system of Vaccination in this Colony. [10 May 1902.]	546
1902—6. An Act to provide for the punishment of persons aiding Prisoners of War to escape, and disobeying certain Military regulations, relating to such Prisoners. [10 May 1902.].....	547
1902—7. An Act to consolidate the Acts providing for the establishment, regulation, and maintenance of a Reformatory and Industrial School for girls. [12 July 1902.]	549
1902—8. An Act to attach a Salary to the office of Master in Chancery. [12 July 1902.].....	551
1902—9. An Act to foster and encourage the manu-	

TABLE OF ACTS.

facture of Butter, Oleomargarine and Butterine in this Island. [28 August 1902.]	552
1903—1. An Act to vest a certain place called "The Saint Michael's Masonic Lodge" lands and hereditaments in the parish of Saint Michael in a certain road called "The Pine Cross Road," and being part of a village or district called "Belleville," the said place, lands and hereditaments belonging to the Members of the Saint Michael's Lodge (No. 2253 E.R.) of Freemasons, in certain Trustees for the use and benefit of the members of the said Masonic Body. [23 January 1903.].....	554
1903--2. An Act to consolidate the Acts of this Island relating to the Prevention of Cruelty to Animals. [24 January 1903.]	560
1903—3. An Act to consolidate and amend the Acts relating to Lighthouses. [26 January 1903.]	566
1903—4. An Act to consolidate the Acts of this Island relating to Petty Trespasses to land. [6 February 1903.].....	567
1903—5. An Act to consolidate and amend the Acts relating to the Office of Colonial Secretary. [6 February 1903.].....	572
1903—6. An Act to consolidate and amend the Acts relating to the Registration Office. [13 February 1903.]	575
1903 --7. An Act to regulate the granting of Patents for inventions. [19 March 1903.]	578
1903—8. An Act to establish a Bankruptcy Law. [11 November 1903.].....	601
1903—9. An Act to consolidate the Acts of this Island relating to Commissioners of Probates. [31 December 1903.].....	643
1903—10. An Act to prohibit the Importation of Bounty-fed Sugar. [31 December 1903.]	644

•

•

LAWS OF BARBADOS.

1891—25.

An Act to consolidate and amend the Acts of this Island relating to Administration, to Trusts, and to Guardians, Executors, Administrators, and Trustees.

[15 August 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Guardians, Executors, Administrators, and Trustees Act, 1891.

Guardians.

2. Where any person shall have any child under the age of twenty one years, and not married at the time of his death, the father of such child whether born at the time of the decease of the father, or at the time in ventre sa mere, or whether such father be within the age of twenty one years or of full age, by his deed executed in his lifetime, or by his last will and testament in writing, in the presence of two or more credible witnesses, in such manner, and from time to time, as he shall respectively think fit, may dispose of the custody and tuition of such child, for and during such time as he remains under the age of twenty one years or any lesser time, to any person or persons in possession or remainder; and such disposition of the custody of such child shall be good and effectual against every person claiming the custody or tuition of such child as guardian in socage or otherwise: and the person to whom the custody of such child shall be so disposed or devised as aforesaid may maintain an action against any person who shall wrongfully take away or detain such child for the recovery of such child, and may recover damages for the same in the said action for the use and benefit of such child.

3. The person to whom the custody of such child shall be so disposed or devised may take into his custody, to the

Fathers may dispose of the custody of children during minority.
The estates of the children to

Trustees Act.

be under the direction of their guardians. use of such child, the profits of all lands, tenements, and hereditaments of such child; and also the custody, tuition, and management of the goods, chattels, and personal estate of such child, until the age of twenty one years, or any lesser time, according to such disposition aforesaid; and may bring such action in relation thereunto, as by law a guardian in common socage might do.

Provided that this Act shall not extend to discharge any apprentice from his apprenticeship.

Oath of guardians, executors, and administrators.

Oath to be taken by executor or guardian, or if absent affidavit to be filed.

4. Every executor, administrator, or guardian, before he shall obtain letters testamentary, letters of administration, or letters of guardianship, shall, before the Registrar or any person deputed by him to administer such oath, take the following oath, viz :—

“ I, A.B., do swear that I will faithfully administer all the estate of C.D. which shall come into my hands as (executor, administrator, or guardian, as the case may be), and be accountable for the same, and the profits thereof, when thereunto legally required; and that I will not, to the best of my skill and power, suffer any of the estate to be fraudulently levied upon and sold, or otherwise disposed of unlawfully, unnecessarily, or at an under-value, so help me God.”

Provided always that an executor who may be absent from the Island may forward to the Registrar to be filed in his office an affidavit or declaration in the form or to the effect, or as near thereto as circumstances will admit, of the oath aforesaid; such affidavit or declaration shall be taken or made in the manner prescribed by the Evidence Act, 1905.

Attorneys of guardians and executors.

Powers of attorney from absent executor valid.

5. All powers of attorney from any executor or guardian who shall have duly qualified himself to act as such residing in Great Britain or any of Her Majesty's dominions shall be good and valid to all intents and purposes as if such executor or guardian had been qualified in this Island.

Provided always, that all persons whatsoever residing in the Kingdom of Great Britain or elsewhere as executors or guardians shall be amenable themselves or by their attorneys to all the courts of law or equity in this Island, as if they personally resided here, and service of any writ, subpoena, or process on their attorneys, shall be deemed good

Trustees Act.

service on the principals, to all necessary legal and equitable purposes.

Administration.

6. (1) When any person dies seized of or entitled to any estate or interest in any land or other hereditaments which at the time of his death is charged with the payment of any sum or sums of money by way of mortgage, and such person has not by his will or deed or other document signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate or any other real estate of such person, but the land or hereditaments so charged shall, as between the different persons claiming through or under the deceased person, be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof according to the value bearing a proportionate part of the mortgage debt charged on the whole thereof; provided always, that in the construction of the will of any person, a general direction that the debts or that all the debts of the testator shall be paid out of his personal estate shall not be deemed to be a declaration of an intention contrary to or other than the rule established by this section, unless such contrary or other intention shall be further declared by words expressly or by necessary implication referring to all or some of the testator's debts or debt charged by way of mortgage on any part of his real estate: provided also, that nothing herein contained shall affect or diminish any right of the mortgagee on such land or hereditaments to obtain full payment or satisfaction of his mortgage debt either out of the personal estate of the person so dying as aforesaid or otherwise; provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of any will, deed, or document made before the first day of January, one thousand eight hundred and eighty.

Heir or devisee of real estate not to claim payment of mortgage out of personal assets.

(2) The preceding subsection applies only in the case of persons dying after the thirty first day of December one thousand eight hundred and seventy nine.

Section applies to certain cases only.

(3) In the construction of this section the word "mortgage" shall be deemed to extend to any lien for unpaid purchase money upon any lands or hereditaments purchased by a testator or person dying intestate,

Interpretation of the word "mortgage".

Trustees Act.

Distribution of
intestate's es-
tate.

7. The whole surplusage of the estate of any person dying intestate shall be distributed by the Court of Chancery and by every person by law entitled to distribute the same in manner and form following, that is to say: one third part of the said surplusage to the wife of the intestate, and all the residue, by equal portions, to and amongst the children of such person dying intestate and such persons as legally represent such children, in case any of the said children be then dead, other than such child or children, not being heir-at-law, who shall have any estate by the settlement of the intestate or shall be advanced by the intestate in his lifetime, by portion or portions equal to the share which shall by such distribution be allotted to the other children to whom such distribution is to be made. And in case any child, other than the heir-at-law, who shall have any estate by settlement from the intestate, or shall be advanced by the said intestate in his lifetime, by portions not equal to the share which will be due to the other children by such distribution as aforesaid, then so much of the surplusage of the estate of such intestate to be distributed to such child or children as shall have any land by settlement from the intestate or were advanced in the lifetime of the intestate, as shall make the estate of all the said children to be equal as near as can be estimated; but the heir-at-law, notwithstanding any land or other real estate that he shall have by descent or otherwise from the intestate, is to have an equal part in the distribution with the rest of the children, without any consideration of the value of the land or other real estate which he hath by descent or otherwise from the intestate; and in case there be no children, nor any legal representatives of them, then one moiety of the said estate to be allotted to the wife of the intestate; the residue of the said estate to be distributed equally to every of the next of kindred of the intestate who are in equal degree and those who legally represent them; provided that there be no representation admitted amongst collaterals after brother's and sister's children; and in case there be no wife then all the said estate to be distributed equally to and amongst the children; and in case there be no child, then to the next of kindred, in equal degree of or unto the intestate, and their legal representatives as aforesaid; and in no other manner whatsoever.

Distribution of
share of a child
dying after fa-
ther, and in life-
time of mother
intestate and
childless.

8. If after the death of a father, any of his children shall die intestate, without wife or children in the lifetime of the mother, every brother and sister and the representatives of them shall have an equal share with her.

Trustees Act.

9. Subject to the provisions of section seventy five of this Act no such distribution of the goods of any person dying intestate shall be made till after one year be fully expired after the intestate's death: and every one to whom any distribution and share shall be allotted shall give bond with sufficient sureties to the Judge of the Court of Ordinary, and to his successors, that if any debt truly owing by the intestate shall be afterwards sued for and recovered, or otherwise duly made to appear, then and in every such case he shall refund and pay back to the said administrator his rateable part of that debt, and of the costs of suit and charges of the administrator by reason of such debt, out of the part and share so as aforesaid allotted to him, thereby to enable the said administrator to pay and satisfy the said debt so discovered after the distribution made as aforesaid.

No distribution to be made until a year after intestate's death.

Undisposed of residue.

10. (1) When any person shall die having by his will or any codicil appointed any person or persons to be his executor or executors, such executor or executors shall be deemed to be a trustee or trustees for the person or persons (if any) who would be entitled to the estate under this Act in respect of any residue not expressly disposed of, unless it shall appear by the will or any codicil thereto that the person or persons so appointed executor or executors was or were intended to take such residue beneficially.

Executors deemed to be trustees for persons entitled to any residue under this Act unless executors beneficially entitled thereto.

(2) Nothing herein contained shall affect or prejudice any right to which any executor, if this section had not been passed, would have been entitled in case where there is not any person who would be entitled to the testator's estate under this Act in respect of any residue not expressly disposed of.

Not to affect rights of executors when there is not any person entitled to the residue.

Control by Court of Chancery.

11. The Court of Chancery shall and may call administrators to account for and touching the goods of any person dying intestate: and upon hearing and due consideration thereof order and make just and equal distribution of what remaineth clear after all debts, funerals, and just expenses of every sort first allowed and deducted, amongst the wife and children, or children's children, if any such be, or otherwise to the next of kindred to the dead person, in equal degree, or legally representing their stock pro suo cuique jure according to the laws in such cases, and the

Court of Chancery may call administrators to account, and order equal distribution &c.

Trustees Act.

rules hereinbefore laid down, and the same distributions may decree and settle, and compel such administrators to observe and pay the same by due course of law: saving to every one supposing himself aggrieved his right of appeal.

No administrator obliged to account for the estate of intestate otherwise than by inventory, unless &c.

12. No administrator shall be cited to the Court of Ordinary or the Court of Chancery to render an account of the personal estate of his intestate, otherwise than by inventory or inventories thereof, unless it be at the instance or prosecution of some person in behalf of a minor, or having a demand out of such personal estate as a creditor or next of kin; nor be compellable to account before such courts otherwise than as is aforesaid.

Creditor &c., may obtain an order for administration of personal estate.

13. It shall be lawful for any person claiming to be a creditor, or a specific pecuniary or residuary legatee, or the next of kin or some or one of the next of kin of a deceased person, to apply for and obtain as of course, without bill or claim filed, or any other preliminary proceedings, a summons from the Vice-Chancellor requiring the executor or administrator, as the case may be, of such deceased person to attend before him, for the purpose of showing cause why an order for the administration of the personal estate of the deceased should not be granted; and upon proof by affidavit of the due service of such summons, or on the appearance in person or by his solicitor or counsel of such executor or administrator, and upon proof by affidavit of such other matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his discretion he shall think fit so to do, to make the usual order for the administration of the estate of the deceased with such variations, if any, as the circumstances of the case may require; and the order so made shall have the force and effect of a decree to the like effect made on the hearing of a cause or claim between the said parties; provided that such Judge shall have full discretionary power to grant or refuse such order, or to give any special directions touching the execution of such order; and, in the case of applications for any such order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants or of the class of claimants as he may think fit, and, if the Judge shall think proper, the carriage of the order may subsequently be given to such party interested, and upon such terms as the judge may direct.

Copy of such summons to be filed in Registrar's Office.

14. A duplicate or copy of such summons shall, previously to the service thereof, be filed in the Registrar's Office of the said Court; and no service thereof upon any executor or administrator shall be of any validity unless the

Trustees Act.

copy so served shall be marked by the said Registrar as filed, and the filing of such summons shall have the same effect with respect to *lis pendens* as the filing of a bill or claim.

15. It shall be lawful for any person claiming to be a creditor of any deceased person, or interested under his will, to apply for and obtain in a summary way, in the manner hereinbefore provided with respect to the personal estate of a deceased person, an order for the administration of the real estate of a deceased person, where executors or trustees are by will empowered to sell real estate, or where such real estate is in the possession of any executor; and all the provisions hereinbefore contained with respect to the application for such order in relation to the personal estate of a deceased person, and consequent thereon, shall extend and be applicable to an application for such order, as last hereinbefore mentioned, to real estate.

Creditor &c., may obtain an order for administration of real estate.

Trusts: their creation, &c.

16. All declarations or creations of trust or confidences of any lands, tenements, or hereditaments, shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust, or by his last will in writing, or else they shall be utterly void and of none effect.

Declarations of trusts of lands to be in writing, except constructive trusts.

Provided always that where any conveyance shall be made of any lands or tenements by which a trust or confidence shall or may arise or result by the implication or construction of law or be transferred or extinguished by an act or operation of law, then in every such case such trust or confidence shall be of like force and effect as the same would have been if this Act had not been made; anything hereinbefore contained to the contrary notwithstanding.

17. All grants and assignments of any trust or confidence shall likewise be in writing signed by the party granting or assigning the same or by such last will or devise, or else shall likewise be utterly void and of none effect.

Grants or assignments of trusts to be in writing.

Descent of trust estate.

18. (1) Where an estate or interest of inheritance limited to the heir as special occupant in any lands, tenements, or hereditaments, corporeal or incorporeal, is vested on any trust or by way of mortgage in any person solely, the same shall on his death notwithstanding any testamen-

Devolution of trust or mortgage estate on death.

Trustees Act.

tary disposition devolve to and become vested in his personal representatives or representative from time to time, in like manner as if the same were a chattel real vesting in them or him; and accordingly all the like powers of one only of several joint personal representatives as well as for a single personal representative and for all the personal representatives together to dispose of and otherwise deal with the same shall belong to the deceased's personal representatives or representative from time to time with all the like incidents but subject to all the like rights, equities, and obligations as if the same were a chattel real vested in them or him; and for the purposes of this section the personal representatives for the time being of the deceased shall be deemed in law his heirs and assigns within the meaning of all trusts and powers.

Preceding subsection applies in certain cases only.

(2) The preceding subsection applies only in cases of death after the tenth day of November one thousand eight hundred and eighty five: in all other cases the following subsection applies.

Executor or administrator entitled to receive mortgage money may assign or reconvey the legal estate in fee.

(3) Where any executor or administrator is entitled to any money secured by a mortgage in fee on land, and the legal estate in such land is vested in the heir or devisee of such mortgagee or the heir, devisee, or other assign of such heir or devisee, and possession of the land has not been taken by virtue of the mortgage, nor any action or suit depending, such executor or administrator shall have power, upon payment of the principal money and interest due on the mortgage, to reconvey or assign the legal estate which became vested in such heir or devisee, and such reconveyance or assignment shall be as effectual as if the same had been made by any heir or devisee, his heirs or assigns.

Power of sale or exchange and renewal by trustees.

Devisee in trust may raise money by sale notwithstanding want of express power in the will.

19. (1) Where by any will coming into operation after the fifteenth day of August one thousand eight hundred and eighty five the testator has charged his real estate or any specific portion thereof with the payment of his debts, or with the payment of any legacy or other specific sum of money, and has devised the estate so charged to any trustee or trustees for the whole of his estate or interest therein and has not made any express provision for the raising of such debts, legacy, or sum of money out of such estate, it shall be lawful for the said devisee or devisees in trust notwithstanding any trusts actually

Trustees Act.

declared by the testator to raise such debts, legacy, or money as aforesaid, by a sale and absolute disposition by public auction or private contract of the said hereditaments or any part thereof or by a mortgage of the same or partly in one mode and partly in the other and any deed or deeds of mortgage so executed may reserve such rate of interest not exceeding six pounds per cent per annum and fix such period or periods of repayment as the person or persons executing the same shall think proper.

(2) The powers conferred by the last preceding subsection shall extend to all and every person or persons in whom the estate devised shall for the time being be vested by survivorship, descent, or devise, or to any person or persons who may be appointed under any power in the will or by the Court of Chancery to succeed to the trusteeship vested in such devisee or devisees in trust as aforesaid.

Power given by last subsection extended to survivor's devisees, &c.

(3) If any testator who shall have created such a charge as is described in subsection one shall not have devised the hereditaments charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors for the time being named in such will (if any) shall have the same or the like power of raising the said moneys as is hereinbefore vested in the devisee or devisees in trust of the said hereditaments, and such power shall from time to time devolve to and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested; but any sale or mortgage under this section shall operate only on the estate and interest, whether legal or equitable, of the testator.

Executors to have power of raising money, &c., where there is no sufficient devise.

(4) Purchasers or mortgagees shall not be bound to enquire whether the powers conferred by subsections one two and three or either of them shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Purchasers &c., not bound to enquire as to powers.

(5) The provisions contained in subsections one, two, and three shall not in any way prejudice or affect any sale or mortgage made under or in pursuance of any will coming into operation before the said fifteenth day of August one thousand eight hundred and eighty five, but the validity of any such sale or mortgage shall be ascertained and determined in all respects as if this section had not passed: and the said several subsections shall not extend to a devise to any person or persons in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies,

Subsections 1, 2, & 3, not to affect certain sales &c., nor to extend to devisees in fee or in tail.

Trustees Act.

nor shall they affect the power of any such devisee or devisees to sell or mortgage as he or they may by law now do.

Trustees having a power of sale or holding lands on trust to sell may sell in lots either by auction or private contract.

20. (1) In all cases where by any will or codicil executed confirmed or revived after the seventeenth day of July one thousand eight hundred and eighty six or by any deed or other instrument of settlement executed after that date it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale, either generally or in any particular event, over any hereditaments named or referred to in or from time to time subject to the uses or trusts of such will, deed, or other instrument, or where in any such will, codicil, deed, or other instrument of settlement as aforesaid any real estate shall be devised or conveyed to any person or persons, upon trust to sell, in either of such cases it shall be lawful for such trustees, or other persons, whether such hereditaments be vested in them or not, to exercise such power of sale or trust for sale, by selling such hereditaments either together or in lots, and either by auction or private contract, and either at one time or several times, and (in case the power or trust shall expressly authorize an exchange) to exchange any hereditaments which for the time being shall be subject to the uses or trusts aforesaid for any other hereditaments in this Island, and upon such exchange to give or receive any money for equality of exchange.

Sale or exchange may be made under special conditions, and trustees may buy in &c.

(2) It shall be lawful for the persons making any such sale or exchange to insert any such special or other stipulations either as to title or evidence of title or otherwise in any conditions of sale or contract for sale or exchange, as they shall think fit, and also to buy in the hereditaments or any part thereof at any sale by auction, and to rescind or vary any contract for sale or exchange, and to re-sell the hereditaments which shall be so bought in or as to which the contract shall be so rescinded without being responsible for any loss which may be occasioned thereby, and no purchaser under any such sale shall be bound to enquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase money in the purchase of any other hereditaments or otherwise.

Trustees exercising power of sale, &c., shall have power to convey.

(3) For the purpose of completing any such sale or exchange as aforesaid the persons empowered to sell or exchange as aforesaid shall have full power to convey or otherwise dispose of the hereditaments in question either by way of revocation and appointment of the use or otherwise as may be necessary.

Trustees Act.

(4) The money so received upon any such sale or equality of exchange as aforesaid shall be laid out in the manner indicated in that behalf in the will, codicil, deed, or instrument containing the power or trusts of sale or exchange, or if no such indication be therein contained as to all or any part of such money, then the same shall with all convenient speed be laid out in the purchase of other hereditaments in fee simple in possession to be situate in this Island or on good real security in this Island, and all such hereditaments so to be purchased or taken in exchange as aforesaid as shall be freeholds of inheritance shall be settled and assured to the uses, upon and for the trusts intents and purposes, and with under and subject to the powers provisoes and declarations to which the hereditaments sold or given in exchange were or would have been subject, or as near thereto as the deaths of parties and other intervening circumstances will admit of, and all such investments on real security shall be settled and assured upon and for such trusts intents and purposes, and with under and subject to such powers provisoes and declarations as shall as nearly as may be correspond with and be similar to the aforesaid uses, trusts, intents, and purposes, provisoes and declarations.

Moneys arising from sales &c. to be laid out as indicated by the trust instrument or in the purchase of other lands, or on good real security,

(5) It shall be lawful for the persons exercising any such power or trust as aforesaid, if they shall think fit, to apply any money to be received upon any sale or for equality of exchange as aforesaid, or any part thereof, in lieu of purchasing lands therewith, in or towards paying off or discharging any mortgage or other charge or incumbrance which shall or may affect all or any of the hereditaments which shall then be subject to the same uses or trusts as those to which the hereditaments sold or given in exchange were or was subject.

or in payment of incumbrances.

(6) It shall be lawful for any trustees being, under any will or codicil executed, confirmed, or revived after the seventeenth day of July one thousand eight hundred and eighty six or under any deed or other instrument executed after that date, trustees of any leaseholds for lives or years which are renewable from time to time, either under any covenant or contract or by custom or usual practice, if they shall in their discretion think fit, and it shall be the duty of trustees, if thereunto required by any person having any beneficial interest present or future or contingent in such leaseholds, to use their best endeavours to obtain from time to time a renewed lease of the same hereditaments on the accustomed and reasonable terms, and for that purpose it

Trustees of renewable leaseholds may renew.

Trustees Act.

shall be lawful for any such trustees from time to time to make or concur in making such surrender of the lease for the time being subsisting, and to do all other acts as shall be requisite in that behalf, but this section is not to apply to any case where by the terms of the settlement or will or codicil the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew the lease, or to contribute to the expense of renewing the same.

Moneys for equality of exchange or renewal of leases may be paid out of moneys in hand, or be raised by mortgage, &c.

(7) In case any money shall be required for the purpose of paying for equality of exchange as aforesaid, or for renewal of any lease as aforesaid, it shall be lawful for the persons affecting such exchange or renewal to pay the same out of any money which may then be in their hands in trust for the persons beneficially interested in the lands to be taken in exchange, or comprised in the renewed lease, whether arising by any of the ways and means hereinbefore mentioned or otherwise, and notwithstanding the provisions for the application of money arising from sale or exchange hereinbefore contained; and if they shall not have in their hands as aforesaid sufficient money for the purposes aforesaid, it shall be lawful for such persons to raise the money required by mortgage of the hereditaments to be received in exchange or contained in the renewed lease (as the case may be) or of any other hereditaments for the time being subject to the subsisting uses or trusts to which the hereditaments taken in exchange or comprised in the renewed lease (as the case may be) shall be subject, and for the purpose of effecting such mortgage such persons shall have the same powers of conveying or otherwise assuring as are herein contained with reference to a conveyance or sale; and no mortgagee advancing money upon such mortgage purporting to be made under this power shall be bound to see that such money is wanted or that no more is raised than is wanted for the purposes aforesaid.

No sale &c. to be made without consent of tenant for life, &c.

(8) No such sale or exchange as aforesaid, and no purchase of hereditaments out of money received on any such sale or exchange as aforesaid, shall be made without the consent of the person appointed to consent by the will deed or other instrument, or if no such person be appointed, then of the person entitled in possession to the receipt of the rents and profits of such hereditaments, if there be such a person under no disability; but this subsection shall not be taken to require the consent of any person where it appears from the will, deed, or other instrument to have been intended that such sale exchange or purchase should be made

Trustees Act.

by the person or persons making the same without the consent of any other person.

(9) For the purposes of this section a person shall be deemed to be entitled to the possession or to the receipt of the rents and income of land or personal property, although his estate may be charged or incumbered, either by himself or by any former owner or otherwise howsoever, to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid, unless they shall concur therein.

Tenants for life may act notwithstanding incumbrances.

(10) None of the powers or incidents hereby conferred or annexed to particular offices estates or circumstances shall take effect or be exercisable if it is declared in the deed, will, or other instrument creating such offices estates or circumstances that they shall not take effect; and where there is no such declaration, then if any variations or limitations of any of the powers or incidents hereby conferred or annexed are contained in such deed, will, or other instrument, such powers or incidents shall be exercisable or shall take effect only subject to such variations or limitations.

Powers hereby given may be negatived or varied by express declaration in trust instrument.

(11) Nothing in this section contained shall be deemed to empower any trustee or other persons to deal with or affect the estates or rights of any persons soever, except to the extent to which they might have dealt with or affected the estates or rights of such persons if the deed, will, or other instrument under which such trustees or other persons are empowered to act had contained express powers for such trustees or other persons so to deal with or affect such estates or rights.

No rights other than those under the settlement, &c., to be affected.

Investment of trustees.

21. (1) A trustee, executor, or administrator may unless expressly forbidden by the instrument (if any) creating the trust, invest any trust funds in his hands, whether at the time in a state of investment or not, in and upon any stocks, funds, or securities for the time being authorised by the laws of England for the investment of trust funds, or in or upon any stocks, funds, or securities of or guaranteed by the Government of this Island (including stocks or securities of any company in this Island having a fixed rate of interest thereon guaranteed as aforesaid) or in or upon real security in this Island, with power from time to time

Investments by trustees.

Trustees Act.

to vary such investment as aforesaid into or for others of the same or a like nature.

Powers to be exercised at discretion of the trustees.

(2) The powers conferred by this section shall be exercised according to the discretion of the trustee, but subject to any consent required by the instrument (if any) creating the trust with respect to the investment of the trust funds.

Retrospective effect.

(3) This section shall apply as well to trusts created before as to trusts created after the passing of this Act, and also to investments made either before or after the passing of the same, and the powers hereby conferred shall be in addition to the powers conferred by the instrument (if any) creating the trust.

Power of giving receipts.

Persons paying money not bound to see to the application unless, &c.

22. (1) The bona fide payment to, and the receipt of, any person to whom any money shall be payable for any limited purpose, or of the survivors or survivor of two or more mortgagees or holders, or the executor, or administrator of such survivor or their or his assigns, shall effectually discharge the person paying the same from seeing to the application or being accountable for the misapplication thereof unless the contrary shall be expressly declared by the instrument creating the limited purpose or the security.

Trustees' receipts.

(2) The receipt in writing of any trustees or trustee for any money, securities, or other personal property payable, or deliverable to them or him under any trust or power, shall be a sufficient discharge for the same, and shall effectually exonerate the person paying, transferring, or delivering the same from seeing to the application or being answerable for any loss or misapplication thereof.

Application of section.

(3) This section shall apply to trusts created either before or after the passing of this Act.

Powers to compound debts, &c.

Power for executors and trustees to compound, &c.

23. (1) An executor may pay or allow any debt or claim on any evidence that he thinks sufficient.

(2) An executor, or two or more trustees acting together, or a sole acting trustee where by the instrument, if any, creating the trust a sole trustee is authorized to execute the trusts and powers thereof, may, if and as he or they may think fit, accept any composition or any security real or personal for any debt, or for any property,

Trustees Act.

real or personal, claimed, and may allow any time for payment of any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's estate or to the trust, and for any of those purposes may enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to him or them shall seem expedient, without being responsible for any loss occasioned by any act or thing so done by him or them in good faith.

(3) As regards trustees, this section shall apply only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4) This section shall apply to executorships and trusts constituted or created either before or after the passing of this Act.

Powers of maintenance, &c.

24. (1) Where any property is held by trustees in trust for an infant either for life, or for any greater interest, and whether absolutely or contingently on his attaining the age of twenty one years, or on the occurrence of any event before his attaining that age, the trustees may at their sole discretion pay to the infant's parent or guardian, if any, or otherwise apply for or towards the infant's maintenance, education, or benefit the income of that property or any part thereof, whether there is any other fund applicable to the same purpose, or any person bound by law to provide for the infant's maintenance or education, or not.

Application by trustees of income of property of infant for maintenance.

(2) The trustees shall accumulate all the residue of that income in the way of compound interest by investing the same and the resulting income thereof from time to time on securities on which they are by the settlement, if any, or by law authorized to invest trust money, and shall hold those accumulations for the benefit of the person who ultimately becomes entitled to the property from which the same arise; but so that the trustees may at any time, if they think fit, apply those accumulations, or any part thereof, as if the same were income arising in the then current year.

(3) This section shall apply only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect

Trustees Act.

subject to the terms of that instrument and to the provisions therein contained.

(4) This section shall apply whether that instrument comes into operation before or after the passing of this Act.

Survival of powers.

Powers to two or more executors or trustees.

25. Where a power or trust is given to or vested in two or more executors or trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being,

Change of trustees and vesting of property.

Appointment of new trustees, vesting of trust property &c,

26. (1) Where a trustee, either original or substituted, and whether appointed by a court or otherwise, is dead, or remains out of this Island unrepresented for more than twelve months, or desires to be discharged from the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, then the person or persons nominated for this purpose by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, then the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee may, by writing, appoint another person or other persons to be a trustee or trustees in the place of the trustee dead, remaining out of the Island, desiring to be discharged, refusing, or being unfit, or being incapable as aforesaid.

(2) On an appointment of a new trustee, the number of trustees may be increased.

(3) On an appointment of a new trustee it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed, or to fill up the original number of trustees, where more than two trustees were originally appointed; but except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust.

(4) On an appointment of a new trustee, any assurance or thing requisite for vesting the trust property or any part thereof jointly in the persons who are the trustees shall be executed or done.

Trustees Act.

(5) Every new trustee so appointed, as well before as after all the trust property becomes by law or by assurance or otherwise vested in him, shall have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(6) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will, but dying before the testator; and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

(7) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(8) This section applies to trusts created either before or after the commencement of this Act.

27. (1) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall by the deed be discharged therefrom under this Act, without any new trustee being appointed in his place. Retirement of trustee.

(2) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(4) This section applies to trusts created either before or after the commencement of this Act.

28. (1) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust or in any chattels so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the person or persons who Vesting trust property in new or continuing trustees.

Trustees Act.

virtue of the deed become and is or are the trustee or trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in that person or those persons, as joint tenants, and for the purposes of the trust, that estate, interest, or right.

(2) Where a deed by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3) This section does not extend to any land conveyed by way of mortgage for securing money subject to the trust, or to any such share, stock annuity, or property as is only transferable in books kept by a company or other body, or in manner prescribed by or under any Act of this Island.

(4) This section applies only to deeds executed after the seventeenth day of July one thousand eight hundred and eighty six.

Power to appoint new trustees in lieu of trustees convicted of felony.

29. When any person is or shall be jointly or solely seised or possessed of any lands or entitled to any stock upon any trust, and such person has been or shall be convicted of felony, it shall be lawful for the Court of Chancery, upon proof of such conviction, to appoint any person to be a trustee in the place of such convict, and to make an order for vesting such lands, or the right to transfer such stock, and to receive the dividends or income thereof, in such person so to be appointed trustee, and such order shall have the same effect as to lands as if the convict trustee had been free from any disability and had duly executed a conveyance or assignment of his estate and interest in the same.

Power to Court to make order appointing new trustees.

30. In all cases where it shall be expedient to appoint a new trustee, and it shall be found inexpedient, difficult, or impracticable so to do without the assistance of the Court of Chancery, it shall be lawful for the said Court to make an order appointing a new trustee or new trustees, whether there be any existing trustee or not at the time of making such order.

Powers of new trustees.

31. The person or persons who, upon the making of such order as last aforesaid, shall be trustee or trustees,

Trustees Act.

shall have all the same rights and powers as he or they would have had if appointed by decree in a suit duly instituted.

32. (1) Every trustee appointed by the Court of Chancery of this Island, or by any other court of competent jurisdiction, shall, as well before as after the trust property becomes by law, or by assurance, or otherwise, vested in him, have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

Power of new trustees appointed by Court.

(2) This section applies to appointments made either before or after the commencement of this Act.

33. It shall be lawful for the said Court of Chancery, upon making any order for appointing a new trustee or new trustees, either by the same or any subsequent order, to direct that any land subject to the trust shall vest in the person or persons who, upon the appointment, shall be the trustee or trustees for such estate as the Court shall direct; and such order shall have the same effect as if the person or persons, who before such order were the trustee or trustees, if any, had duly executed all proper conveyances and assignments of such lands for such estate.

Power to Court to vest lands in new trustees.

34. It shall be lawful for the said Court of Chancery, upon making any order for appointing a new trustee or new trustees, either by the same or by any subsequent order to vest the right to call for a transfer of any stock subject to the trust, or to receive the dividends or income thereof, or to sue for or recover any chose in action subject to the trust, or any interest in respect thereof, in the person or persons who upon the appointment shall be the trustee or trustees.

Power to Court to vest rights to sue at law in new trustees.

35. Any such appointment by the Court of new trustees, and any such conveyance, assignment, or transfer as aforesaid, shall operate no further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under any power for that purpose contained in any instrument would have done.

Old trustees not to be discharged from liability.

36. When any lunatic or person of unsound mind shall be seised or possessed of any lands upon any trust or by way of mortgage, it shall be lawful for the Court of Chancery to make an order that such lands be vested in such person or persons in such manner, and for such estate, as it shall direct; and the order shall have the same effect as if the trustee or mortgagee had been sane, and had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

The Court may convey estates of lunatic trustees and mortgagees.

Trustees Act.

May convey contingent rights.

37. When any lunatic or person of unsound mind shall be entitled to any contingent right in any lands, upon any trust or by way of mortgage, it shall be lawful for the Court of Chancery to make an order wholly releasing such lands from such contingent right, or disposing of the same to such person or persons as the said Court shall direct, and such order shall have the same effect as if the trustee or mortgagee had been sane, and had duly executed a deed so releasing or disposing of the contingent right.

The Court may transfer stock or chose in action of lunatic trustees and mortgagees.

38. When any lunatic or person of unsound mind shall be solely entitled to any stock or to any chose in action upon any trust or by way of mortgage, it shall be lawful for the Court of Chancery to make an order vesting in any person or persons the right to transfer such stock or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof; and when any person or persons shall be entitled jointly with any lunatic or person of unsound mind to any stock or chose in action upon any trust or by way of mortgage, it shall be lawful for the said Court to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any other person or persons the said Court may appoint.

Power to transfer stock and chose in action of a deceased person, whose personal representative is a lunatic.

39. When any stock shall be standing in the name of any deceased person whose personal representative is a lunatic or person of unsound mind, or when any chose in action shall be vested in any lunatic or person of unsound mind as the personal representative of a deceased person, it shall be lawful for the Court of Chancery to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action or any interest in respect thereof, in any person or persons it may appoint.

Court may convey estates of infant trustees and mortgagees.

40. Where any infant shall be seised or possessed of any lands upon any trusts or by way of mortgage, it shall be lawful for the Court of Chancery to make an order vesting such lands in such person or persons, in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the infant trustee or mortgagee had been twenty one years of age, and had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

Trustees Act.

41. Where any infant shall be entitled to any contingent right in any lands upon any trust or by way of mortgage, it shall be lawful for the Court of Chancery to make an order wholly releasing such land from such contingent right, or disposing of the same to such person or persons as the Court shall direct : and the order shall have the same effect as if the infant had been twenty one years of age, and had duly executed a deed so releasing or disposing of the contingent right.

Contingent rights of infant trustees and mortgagees.

42. When any person solely seised or possessed of any lands upon any trust shall be out of the jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an order vesting such lands in such person or persons, in such manner, and for such estate as the Court shall direct ; and the order shall have the same effect as if the trustee had duly executed a conveyance or assignment of the lands in the same manner and for the same estate.

Court may convey the estate of a trustee out of the jurisdiction of the Court.

43. When any person or persons shall be seised or possessed of any lands jointly with a person out of the jurisdiction of the Court of Chancery, or who cannot be found, it shall be lawful for the said Court to make an order vesting the lands in the person or persons so jointly seised or possessed or in such last-mentioned person or persons, together with any other person or persons, in such manner and for such estate as the said Court shall direct, and the order shall have the same effect as if the trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

Court may make order in cases where persons are seised of lands jointly with parties out of the jurisdiction of the Court.

44. When any person solely entitled to a contingent right in any lands upon any trust shall be out of the jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an order wholly releasing such lands from such contingent right, or disposing of the same to such person or persons as the said Court shall direct ; and the order shall have the same effect as if the trustee had duly executed a conveyance so releasing or disposing of the contingent right.

Contingent rights of trustees.

45. When any person jointly entitled with any other person or persons to a contingent right in any lands upon any trust shall be out of the jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an order disposing of the contingent right of the person out of the jurisdiction, or who cannot

Court may make order in cases where persons jointly entitled with others out of the jurisdiction of

Trustees Act.

the Court disposing of contingent right in lands.

be found, to the person or persons so jointly entitled as aforesaid, or to such last-mentioned person or persons together with any other person or persons; and the order shall have the same effect as if the trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance so releasing or disposing of the contingent right.

When it is uncertain which of several trustees was the survivor.

46. Where there shall have been two or more persons jointly seized or possessed of any lands upon any trust, and it shall be uncertain which of such trustees was the survivor, it shall be lawful for the Court of Chancery to make an order vesting such land in such person or persons, in such manner, and for such estate as the said Court shall direct, and the order shall have the same effect as if the survivor of such trustees had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

When it is uncertain whether the last trustee be living or dead.

47. Where any one or more person or persons shall have been seized or possessed of any lands upon any trust and it shall not be known, as to the trustee last known to have been seized or possessed, whether he be living or dead, it shall be lawful for the Court of Chancery to make an order vesting such lands in such person or persons, in such manner, and for such estate as the said Court shall direct; and the order shall have the same effect as if the last trustee had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

When trustee dies without an heir.

48. When any person seized of any land upon any trust shall have died intestate as to such lands without an heir, or shall have died and it shall not be known who is his heir or devisee, it shall be lawful for the Court of Chancery to make an order vesting such lands in such person or persons, in such manner, and for such estate, as the said Court shall direct; and the order shall have the same effect as if the heir or devisee of such trustee had duly executed a conveyance of the lands in the same manner for the same estate.

Power to convey in place of a refusing trustee, and in place of person entitled to contingent right.

49. In every case where any person is or shall be jointly or solely seized or possessed of any lands or entitled to a contingent right therein upon any trust, and a demand shall have been made upon such trustee by a person entitled to require a conveyance or assignment of such lands, or a duly authorized agent of such last-mentioned person, requiring such trustee to convey or assign the same, or to release such contingent right, it shall be lawful for the Court of Chancery, if the said Court shall be satisfied that

Trustees Act.

such trustee has wilfully refused or neglected to convey or assign the said lands for the space of twenty eight days after such demand, to make an order vesting such lands in such person, in such manner, and for such estate, as the Court shall direct, or releasing such contingent right in such manner as the Court shall direct; and the said order shall have the same effect as if the trustee had duly executed a conveyance or assignment of the lands or a release of such right in the same manner and for the same estate.

50. When any person to whom any lands have been conveyed by way of mortgage shall have died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such last-mentioned person shall consent to an order for the re-conveyance of such lands, then in any of the following cases it shall be lawful for the Court of Chancery to make an order vesting such lands in such person or persons in such manner and for such estate as the said Court shall direct, that is to say:

Power to convey in place of mortgagee.

when an heir or devisee of such mortgagee shall be out of the jurisdiction of the Court of Chancery, or cannot be found:

when an heir or devisee of such mortgagee shall, upon a demand by a person entitled to require a conveyance of such lands, or a duly authorized agent of such last-mentioned person, have stated in writing that he will not convey the same or shall not convey the same for the space of twenty eight days next after the proper deed for conveying such lands shall have been tendered to him by a person entitled as aforesaid, or a duly authorized agent of such last-mentioned person:

when it shall be uncertain which of several devisees of such mortgagee was the survivor:

when it shall be uncertain as to the survivor of several devisees of such mortgagee, or as to the heir of such mortgagee, whether he be living or dead:

when such mortgagee shall have died intestate as to such lands, and without an heir, or shall have died and it shall not be known who is his heir or devisee:

and the order of the said Court of Chancery made in any one of the foregoing cases shall have the same effect as if the heir or devisee or surviving devisee, as the case may be, had duly executed a conveyance or assignment of the lands in the same manner and for the same estate.

Trustees Act.

Power to appoint a person to convey in certain cases.

51. In every case where the Court of Chancery shall, under the provisions of this Act, be enabled to make an order, having the effect of a conveyance or assignment of any lands, or having the effect of a release or disposition of the contingent right of any person or persons born or unborn, it shall also be lawful for the said Court, should it be deemed more convenient, to make an order appointing a person to convey or assign such lands, or release or dispose of such contingent right, and the conveyance or assignment, or release or disposition of the person so appointed shall, when in conformity with the terms of the order by which he is appointed, have the same effect in conveying or assigning the lands, or releasing or disposing of the contingent right as an order of the Court of Chancery would in the particular case have had under the provisions of this Act; and in every case where the Court of Chancery shall, under the provisions of this Act, be enabled to make an order vesting in any person or persons the right to transfer any stock transferable in the books of any bank or of any other company or society established or to be established in this Island, it shall also be lawful for the Court of Chancery, if it be deemed more convenient, to make an order directing the secretary, deputy secretary, or any officer of such bank, or other company or society, at once to transfer or join in transferring the stock to the person or persons to be named in the order; and this Act shall be a full and complete indemnity and discharge to such bank or other company or society and its officers and servants, for all acts done or permitted to be done pursuant thereto.

When trustees of stock or chose in action out of the jurisdiction.

52. When any person or persons shall be jointly entitled with any person out of the jurisdiction of the Court of Chancery, or who cannot be found, or concerning whom it shall be uncertain whether he be living or dead, to any stock or chose in action, upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for or recover such chose in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any person or persons the said Court may appoint; and when any sole trustee of any stock or chose in action shall be out of the jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an order vesting the right to transfer such stock, or to receive the dividends or income

Trustees Act.

thereof, or to sue for and recover such chose in action, or any interest in respect thereof, in any person or persons the said Court may appoint.

53. Where any sole trustee of any stock or chose in action shall neglect or refuse to transfer such stock or to receive the dividends or income thereof, or to sue for or recover such chose in action or any interest in respect thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty eight days next after a request in writing for that purpose shall have been made to him by the person absolutely entitled thereto, it shall be lawful for the Court of Chancery to make an order vesting the sole right to transfer such stock, or to receive the dividends or income thereof, or to sue for or recover such chose in action or any interest in respect thereof in such person or persons as the said Court may appoint.

When trustee of stock or chose in action refuses to transfer.

54. Where any person shall neglect or refuse to transfer any stock, or to receive the dividends or income thereof, or to sue for or recover any chose in action or any interest in respect thereof, for the space of twenty eight days next after an order of the Court of Chancery for that purpose shall have been served upon him, it shall be lawful for the Court of Chancery to make an order vesting all the right of such person to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action or any interest in respect thereof, in such person or persons as the said Court may appoint.

On neglect to transfer stock for 28 days order may be made vesting right to transfer in such person as the Court shall appoint.

55. When any one of the trustees of any stock or chose in action shall neglect or refuse to transfer such stock, or to receive the dividends or income thereof, or to sue for or recover such chose in action, according to the directions of the person absolutely entitled thereto, for the space of twenty eight days next after a request in writing for that purpose shall have been made to him or her by such person, it shall be lawful for the Court of Chancery to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, in the other trustee or trustees of the said stock or chose in action, or in any person or persons whom the said Court may appoint jointly with such other trustee or trustees.

When one of several trustees of stock refuses to transfer or receive and pay over dividends.

56. When any stock shall be standing in the sole name of a deceased person, and his or her personal representative shall be out of the jurisdiction of the Court of Chancery, or

When stock is standing in the name of a deceased person.

Trustees Act.

cannot be found, or it shall be uncertain whether such personal representative shall be living or dead, or such personal representative shall neglect or refuse to transfer such stock, or receive the dividends or income thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty eight days next after a request in writing for that purpose shall have been made to him by the person entitled as aforesaid, it shall be lawful for the Court of Chancery to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, in any person or persons whom the said Court may appoint.

On neglect by executor to transfer stock for 28 days order may be made vesting right to transfer in such person as the Court shall appoint.

57. When any stock shall be standing in the sole name of a deceased person, and his personal representatives shall refuse or neglect to transfer such stock, or receive the dividends or income thereof, for the space of twenty eight days next after an order of the Court of Chancery for that purpose shall have been served upon him, it shall be lawful for the Court of Chancery to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, in any person or persons whom the said Court may appoint.

Effect of an order vesting the legal right to transfer stock.

58. Where any order shall have been made under any of the provisions of this Act, vesting the right to any stock in any person or persons appointed by the Court of Chancery, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney and to perform all acts relating to the transfer of such stock into his or their own name or names, or otherwise, or relating to the receipt of the dividends thereof, to the extent and in conformity with the terms of such order: and all banks and all companies and associations whatever and all persons shall be equally bound and compellable to comply with the requisition of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as such banks, or such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made, and shall be equally indemnified in complying with the requisition of such person or persons so appointed as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made; and after notice in writing of any such order of the Court of Chancery concerning any such stock shall have been given,

Trustees Act.

it shall not be lawful for any bank or any company or association whatever, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made in any matter whatever relating to the transfer of such stock, or the payment of the dividends or the produce thereof.

59. When any order being or purporting to be under this Act shall be made by the Court of Chancery, vesting the right to any stock, or vesting the right to transfer any stock, or vesting the right to call for the transfer of any stock, in any person or persons, in every such case the legal right to transfer such stock shall vest accordingly; and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock into his or their own name or names, or otherwise, to the extent and in conformity with the terms of the order; and all banks and companies and associations whatever, and all persons shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order as such banks, or such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

Banks and companies to comply with such order.

60. Every order made or to be made, being or purporting to be made under this Act, by the Court of Chancery and duly passed and entered, shall be a complete indemnity to all banks and all companies and associations whatsoever and all persons for any act done pursuant thereto, and it shall not be necessary for such bank or such company or association or person to enquire concerning the propriety of such order, or whether the Court of Chancery had jurisdiction to make the same.

Indemnity to banks and companies so objecting.

61. When any order shall have been made under any of the provisions of this Act by the Court of Chancery vesting the legal right to sue for or recover any chose in action or any interest in respect thereof in any person or persons, such legal rights shall vest accordingly; and thereupon it shall be lawful for the person or persons so appointed to carry on, commence, and prosecute in his or their own name or names any action, suit, or other proceeding at law or in equity for the recovery of such chose in action, in the same manner in all respects as the person in whose place an appointment shall have been made could have sued for or recovered such chose in action.

Effect of an order vesting legal right in a chose in action.

Trustees Act.

Who may apply.

62. An order under any of the hereinbefore contained provisions for the appointment of a new trustee or trustees, or concerning any lands, stock, or chose in action subject to a trust, may be made upon the application of any person beneficially interested in such lands, stock, or chose in action whether under disability or not, or upon the application of any person duly appointed as a trustee thereof; and an order under any of the provisions hereinbefore contained concerning any lands, stock, or chose in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the moneys secured by such mortgage.

Power to petition the Court.

63. Any person or persons entitled in manner aforesaid to apply for an order from the said Court of Chancery may present a petition to the Court of Chancery for such order as he may deem himself entitled to, and may give evidence by affidavit or otherwise in support of such petition before the said Court, and may serve such person or persons with notice of such petition as he may deem entitled to service thereof.

What may be done upon petition.

64. Upon the hearing of any such motion or petition it shall be lawful for the said Court, should it be deemed necessary to direct a reference to the Master of the Court of Chancery, to inquire into any facts which require such investigation, or it shall be lawful for the said Court to direct such motion or petition to stand over to enable the petitioner or petitioners to adduce evidence or further evidence before the said Court, or to enable notice, or any further notice, of such motion or petition to be served on any person or persons.

Court may dismiss petition with or without costs.

65. Upon the hearing of any such motion or petition, whether any certificate or report from the Master shall have been obtained or not, it shall be lawful for the Court to dismiss such motion or petition with or without costs, or to make an order thereupon in conformity with the provisions of this Act.

Power to make an order in a cause.

66. Whenssoever in any cause or matter, either by evidence adduced therein or by the admission of the parties, or by a report of the Master of the Court of Chancery, the facts necessary for an order under this Act shall appear to such Court to be sufficiently proved, it shall be lawful for the said Court, either upon the hearing of the said cause or of any petition or motion in the said cause or matter, to make such order under this Act.

Trustees Act.

67. Whenever any order shall be made under this Act by the Court of Chancery for the purpose of conveying or assigning any lands, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation of the personal incapacity of a trustee or mortgagee, or on an allegation that a trustee or the heir or devisee of a mortgagee is out of the jurisdiction of the Court of Chancery, or cannot be found, or that it is uncertain which of several trustees or which of several devisees of a mortgagee was the survivor, or whether the last trustee, or the heir or last surviving devisee of a mortgagee, be living or dead, or on an allegation that any trustee or mortgagee has died intestate without an heir, or has died and it is not known who is his heir or devisee, then in any of such cases the fact that the Court of Chancery has made an order upon such an allegation shall be conclusive evidence of the matter so alleged in any court of law or equity upon any question as to the legal validity of the order; provided always that nothing herein contained shall prevent the Court of Chancery directing a re-conveyance or re-assignment of any lands conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order; and it shall be lawful for the said Court to direct any of the parties to any suit concerning such lands or contingent right to pay any costs occasioned by the order under this Act when the same shall appear to have been improperly obtained.

Orders made by the Court, founded on certain allegations, to be conclusive evidence of the matter contained in such allegations.

68. The Court of Chancery may order the costs and expenses of and relating to the petition, orders, directions, conveyances, assignments and transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the lands or personal estate, or the rents or produce thereof, in respect of which the same respectively shall be made, or in such manner as the Court shall think proper.

Costs may be paid out of the estate.

69. Upon any petition being presented under this Act to the Court of Chancery concerning a person of unsound mind, it shall be lawful for the said Court, should it so think fit, to direct that a commission in the nature of a writ "de lunatico inquirendo" shall issue concerning such person, and to postpone making any order upon such petition until a return shall have been made to such commission.

Commission concerning person of unsound mind.

70. Upon any petition under this Act being presented to the Court of Chancery, it shall be lawful for the said Court to postpone making any order upon such petition

Suit may be directed.

Trustees Act.

until the right of the petitioner or petitioners shall have been declared in a suit duly instituted for that purpose.

Power to make declarations how the right to transfer stock to be exercised.

71. It shall be lawful for the Court of Chancery to make declarations and give directions concerning the manner in which the right to any stock or chose in action vested under the provisions of this Act shall be exercised, and thereupon the person or persons in whom such right shall be vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced.

Interpretation of terms.

72. The several words hereinafter named are in sections thirty one to seventy six (both included) used and applied in the manner following respectively, that is to say :

The word "lands" shall extend to and include messuages, tenements, and hereditaments, corporeal and incorporeal, of every tenure or description whatever may be the estate or interest therein.

The word "stock" shall mean any fund, annuity, or security transferable in books kept by any company or society established or to be established, or transferable by deed alone or by deed accompanied by other formalities, and any share or interest therein.

The word "seised" shall be applicable to any vested estate for life, or of a greater description, and shall extend to estates at law and in equity, in possession or in futurity, in any lands.

The word "possessed" shall be applicable to any vested estate less than a life estate, at law or in equity, in possession or in expectancy in any lands.

The words "contingent right," as applied to lands, shall mean a contingent or executory interest, a possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent.

The words "convey" and "conveyance" applied to any person shall mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another lands whereof such person is seised or entitled to a contingent right, either for the whole estate of the person conveying or disposing, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail.

Trustees Act.

The words “assign” and “assignment” shall mean the execution and performance by a person of every necessary or suitable deed or act for assigning, surrendering, or otherwise transferring lands of which such person is possessed, either for the whole estate of the person so possessed, or for any less estate.

The word “transfer” shall mean the execution and performance of every deed and act by which a person entitled to stock can transfer such stock from himself to another.

The word “trust” shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words “trust” and “trustee” shall extend to and include implied and constructive trusts, and shall extend to and include cases where the trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of personal representative of a deceased person.

The word “lunatic” shall mean any person who shall have been duly and legally found to be a lunatic.

The expression “person of unsound mind” shall mean any person not an infant who, not having been found to be a lunatic, shall be incapable from infirmity of mind to manage his own affairs.

The word “devisee” shall, in addition to its ordinary signification, mean the heir of a devisee and the devisee of an heir, and generally any person claiming an interest in the lands of a deceased person not as heir of such deceased person, but by a title dependent solely upon the operation of the laws concerning devise and descent.

The word “mortgage” shall be applicable to every estate, interest, or property in lands or personal estate, which would, in a court of equity, be deemed merely a security for money.

Limitation of liability.

73. Where an executor or administrator, liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease granted or assigned to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease or agreement for a lease as may have accrued due and been claimed up to the time of the assignments hereafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained

Limitation of liability of executor in respect of rents, covenants &c., in leases in certain cases.

Trustees Act.

sum covenanted or agreed by the lessee to be laid out on the property demised or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively without appropriating any part, or any further part (as the case may be), of the personal estate of the deceased to meet any future liability under the said lease or agreement for a lease; and the executor or administrator so distributing the residuary estate shall not after having assigned the said lease or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease or agreement for a lease; but nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

Restrictions on liability of executor &c., in respect of rents and in conveyances on chief rents in certain cases.

74. In like manner, where any executor or administrator liable as such to the rent, covenants, or agreements contained in any conveyance on chief rent or rent charge (whether any such rent be by limitation of use, grant, or reservation) or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said conveyance or agreement for conveyance as may have accrued due and been claimed up to the time of the conveyance hereafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed or agreed to be conveyed, although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively, without appropriating any part, or any further part (as the case may be), of the personal estate of the deceased to meet any future liability under the said conveyance or agreement for a conveyance; and the executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance

Trustees Act.

or assignment and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance or agreement for conveyance; but nothing herein contained shall prejudice the right of the grantor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

75. Where an executor or administrator shall have given such or the like notices as in the opinion of the court, in which such executor or administrator is sought to be charged, would have been given by the Court of Chancery in an administration suit for creditors and others to send in to the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices or the last of the said notices for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets, or a part thereof, as the case may be; but nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

Distribution of assets after notice to creditors to send in claims.

76. Every deed, will, or other instrument creating a trust either expressly or by implication shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say, that the trustees or trustee for the time being of the said deed, will, or other instrument shall be respectively chargeable only for such moneys, stocks, funds, and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, brokers, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of trustees.

Trustees Act.

said deed, will, or other instrument to re-imburse themselves or himself or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument.

No action against executor on a promise not written, to answer damages out of his own estate.

77. No action shall be brought whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized.

Relief of trustees, etc.

Trustees, &c., or the majority may pay moneys into court.

78. All trustees, executors, administrators, or other persons having in their hands any moneys belonging to any trust whatsoever, or the major part of them, shall be at liberty, on filing an affidavit in the office of the Registrar in Chancery shortly describing the instrument creating the trust according to the best of their knowledge, to pay the same with the consent in writing of the Vice Chancellor of the Court of Chancery into the Public Treasury to the account of such Vice Chancellor in the matter of the particular trust (describing the same by the names of the parties as accurately as may be for the purpose of distinguishing it), in trust to attend the orders of the said Court of Chancery, and all trustees, executors, administrators, or other persons to whom any moneys may be due or owing or be standing in the names of any deceased persons of whom they shall be personal representatives upon any trust whatsoever, or the major part of them, shall be at liberty on filing such affidavit as aforesaid to deposit the instrument under or by virtue of which such moneys may be due or owing or secured, or an abstract or statement thereof, as the Vice Chancellor shall require, with the consent in writing of the said Vice Chancellor in the office of the said Registrar in Chancery in the matter of the particular trust (describing the same as aforesaid), in trust to attend the orders of the said Court, and in every such case the receipt of the Treasurer of the Island for the money so paid, or in the case of any instrument the certificate of the Registrar in Chancery of the deposit of such instrument, shall be a sufficient discharge to such trustees or other persons for the moneys so paid or the instrument so deposited,

Court may order moneys to be paid in, where concurrence of

79. If upon any petition presented to the Vice Chancellor of the Court of Chancery in the matter of this Act it shall appear to him that any moneys or securities or other

Trustees Act.

instruments are vested in any persons as trustees, executors, or administrators, or otherwise upon trusts within the meaning of this Act, and that the major part of such persons are desirous of paying or delivering the same under the provisions of this Act, but that for any reason the concurrence of the other or others of them cannot be had, it shall be lawful for such Vice Chancellor to order and direct such payment or delivery to be made by the major part of such persons without the concurrence of the other or others of them; and where any such moneys, securities, or other instruments shall be deposited with any banker or other depository it shall be lawful for such Vice Chancellor to make such order for the payment or delivery of such moneys, securities, or other instruments to the major part of such trustees, executors, administrators, or other persons as aforesaid, for the purpose of such moneys being paid to the Treasurer of the Island, or such securities or other instruments being delivered to the Registrar in Chancery, as to the said Vice Chancellor shall seem meet; and every payment of money or delivery of any securities or other instrument in pursuance of any such order shall be as valid and effectual as if the same had been made on the authority or by the act of all the persons entitled to the moneys, securities, or other instruments paid or delivered respectively, and shall fully protect and indemnify all persons acting under or in pursuance of such order.

minority of trustees cannot be obtained.

80. Such orders as shall seem fit shall be from time to time made by the Court of Chancery in respect of the trust moneys, securities, or other instruments so paid in or deposited as aforesaid, or for the investment and payment of any such moneys, or of any dividends or interest on any such moneys, securities, or other instruments, and for the transfer and delivery out of any such moneys, securities, and other instruments, and for the administration of any such trusts generally upon a petition to be presented in a summary way to the Vice Chancellor without bill by such party or parties as to the Court shall appear to be competent and necessary in that behalf, and service of such petition shall be made upon such person or persons as the Court shall see fit and direct; and every order made upon any such petition shall have the same authority and effect, and shall be enforced and subject to rehearing and appeal in the same manner, as if the same had been made in a suit regularly instituted in the Court, and if it shall appear that any such trust moneys cannot be safely distributed without the institution of one or

Court may order on petition the application of trust moneys, or administration of the trust.

Trustees Act.

more suit or suits, the Vice Chancellor may direct any such suit or suits to be instituted.

Vice Chancellor may make general orders.

81. The Vice Chancellor shall have power, and is hereby authorized, to make such orders as from time to time shall seem necessary for better carrying the provisions of the three last preceding sections of this Act into effect.

Trustee, &c. may apply to Court for advice.

82. Any trustee, executor, or administrator shall be at liberty without the institution of a suit to apply by petition to the Vice Chancellor of the Court of Chancery or by summons upon a written statement to the said Vice Chancellor at chambers for the opinion advice or direction of such Vice Chancellor on any question respecting the management or administration of the trust property or the assets of any testator or intestate, such application to be served upon or the hearing thereof to be attended by all persons interested in such application, or such of them as the said Vice Chancellor shall think expedient; and the trustee, executor, or administrator acting upon the opinion advice or direction given by the said Vice Chancellor shall be deemed so far as regards his own responsibility to have discharged his duty as such trustee, executor, or administrator in the subject matter of the said application; provided nevertheless, that this Act shall not extend to indemnify any trustee, executor, or administrator in respect of any act done in accordance with such opinion advice or direction as aforesaid if such trustee, executor, or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion advice and direction; and the cost of such application as aforesaid shall be in the discretion of the said Vice Chancellor.

Petition for advice to be signed by counsel.

83. Where any trustee, executor, or administrator shall apply for the opinion advice or direction of the Vice Chancellor of the Court of Chancery under the last preceding section, the petition or statements shall be signed by counsel, and the said Vice Chancellor may require the petitioner or applicant to attend him by counsel either in chambers or in court where he deems it necessary to have the assistance of counsel.

Trustees of charities.

Charitable trust.

84. It shall be lawful for the Court of Chancery to exercise the powers herein conferred for the purpose of vesting any lands, stock, or chose in action in the trustee or trustees of any charity or society, over which charity or society the said Court of Chancery would have jurisdiction upon suit duly instituted, whether such trustee or trustees

Trustees Act.

shall have been duly appointed by any power contained in any deed or instrument, or by the decree of the said Court of Chancery, or by order made upon a petition to the said Court under any statute authorizing the said Court to make an order to that effect in a summary way upon petition.

Escheat &c., of trust estates.

85. No lands, stock, or chose in action vested in any person upon any trust or by way of mortgage, or any profits thereof, shall escheat or be forfeited to Her Majesty, her heirs or successors by reason of the attainder or conviction for any offence of such trustee or mortgagee, but shall remain in such trustee or mortgagee, or survive to his or her co-trustee, or descend or vest in his or her representative, as if no such attainder or conviction had taken place.

No escheat of property held on trust or mortgage.

86. Nothing contained in this Act shall prevent the escheat or forfeiture of any lands or personal estate vested in any such trustee or mortgagee so far as relates to any beneficial interest therein of any such trustee or mortgagee, but such lands or personal estate so far as relates to such beneficial interest shall be recoverable in the same manner as if this Act had not passed.

Act not to prevent escheat or forfeiture of beneficial interest.

An Act to fix the Salaries of the Chaplains of the Legislative Council and House of Assembly; to define the Powers of the Printing Committee; and to provide Stationery for the Clerk of the House of Assembly.

[15 August 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Chaplains and Printing Committee Act 1891. Short title.

Chaplains.

2. The Chaplains of the Legislative Council and of the House of Assembly shall receive respectively an annual salary of twenty pounds payable monthly from the Public Treasury on the warrant of the Governor-in-Executive Committee.

Salaries of the Chaplains.

*Chaplains and Printing Committee Act.**Printing Committee.*

Powers of committee to make printing contracts &c.

3. (1) The committee appointed by the House of Assembly to superintend the printing executed by order of the House are hereby authorized from time to time to enter into such contracts for the performance of the public printing of this Island as to them shall seem proper, and to accept and take such bonds in such penalties for the fulfilment of such contract as to them shall seem meet.

(2) The sum agreed to be paid for printing the Gazette shall be paid monthly by order of the Governor-in-Executive Committee on the Treasurer in the same manner as public officers are paid.

Parochial printing.

(3) Where any parochial or local authority shall be required by any statute of this Island to publish any matter in the Official Gazette, such parochial or local authority shall be liable to pay for such publication under the terms of any contract made by the printing committee with the public printer and not otherwise.

Stationery for Clerk.

Grant to Clerk of House for stationery.

4. The sum of twenty five pounds per annum shall be paid monthly to the Clerk of the House of Assembly, by the warrant of the Governor-in-Executive Committee on the Treasurer of the Island, to provide stationery for the use of his office.

An Act to authorize Henry Edward Thorne to construct a Slip alongside a stelling already erected in the sea at the back of his Sulphuric Acid Works at Hole Town in the parish of Saint James and to grant him the sole use and benefit of the said stelling and Slip.

[2 October 1891.]

Preamble.

WHEREAS the said Henry Edward Thorne hath presented a petition to the Legislature of this Island stating amongst other things that almost eighteen months ago he erected a stelling in the sea at the back of his Sulphuric Acid Works at Hole Town in the parish of Saint James in this Island for the purposes of a whaling business carried on there by

Thorne's (Construction of Slip) Act.

him, and for shipping sulphuric acid, and that he now wishes to construct a slip in the sea alongside the said stelling to facilitate his operations in carrying on the said whaling business, and praying that he, his heirs and assigns, may have legislative protection in the use and enjoyment of the said stelling and slip and the exclusive right and benefit thereof: And whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as Thorne's (Construction of Short title. Slip) Act 1891.

2. The said Henry Edward Thorne, his heirs and assigns, may construct a slip alongside the stelling already erected in the sea at the back of his Sulphuric Acid Works at Hole Town in the parish of Saint James in this Island and may from time to time repair, alter, or remove the said stelling and slip or either of them. And the said stelling and slip shall be to and for the sole use and benefit of the said Henry Edward Thorne, his heirs and assigns for ever.

H. E. Thorne authorized to construct slip alongside of stelling erected in sea at back of Sulphuric Acid Works at Hole Town for his sole benefit.

An Act to amend the law relating to Contempt of Court.

[3 October 1891.]

WHEREAS it is deemed expedient to amend the law relating to contempt of court: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Contempt of Court Short title. Act, 1891.

2. (1) The words "superior court" as used in this Act Interpretation. include the Court of Chancery, the Court of Common Pleas, the Court of Ordinary, the Court of Error, the Colonial Court of Admiralty, the Circuit Court of Appeal for the Windward Islands, the Court of Grand Sessions of Oyer and Terminer and General Gaol Delivery and General Sessions of the Peace, and the Court of Escheat.

(2) The words "Justice of the Peace" mean a Police Magistrate or a Justice of the Peace sitting in court

Contempt of Court Act.

as such, and exercising any powers and jurisdiction conferred on him by any Act of this Island.

Contempts of a superior court in its presence.

3. (1) A superior court shall have power to punish summarily, with fine or imprisonment, any person who commits a contempt in the presence or hearing of the court when sitting.

Punishment.

(2) Such punishment shall in no case exceed a fine of twenty five pounds or one month's imprisonment without hard labour.

Order as to payment of fine.

(3) The court shall in punishing by fine order that the fine shall be paid within a definite time, not less than fourteen days, and that in default of payment the offender shall be imprisoned without hard labour for any term not exceeding one month; provided always, that in the case of a contempt committed in the face of the court (other than the Circuit Court of Appeal for the Windward Islands) there shall be an appeal to the Circuit Court of appeal for the Windward Islands in the manner and on the conditions prescribed by and subject to the provisions of the Act regulating that Court.

Contempts of a superior court not in its presence how to be dealt with.

4. (1) All contempts of a superior court other than those committed in the presence and hearing of the court when sitting shall be dealt with and determined only by means of a rule of the Court of Common Pleas, which may be applied for by any person whomsoever calling upon the defendant to show cause why he should not be attached for contempt of court.

(2) Such rule of court shall contain with certainty the words or acts alleged to constitute the contempt of court, and shall be served at least seven clear days before the return day thereof, except in the case of a contempt of court by spoken or written comment on pending legal proceedings, in which case the rule of court shall be made returnable without delay.

(3) Such rule of court shall be directed to the Provost Marshal, and shall be served on the defendant personally, or if he cannot be found, then a copy of the same shall be left with some responsible person at the last known place of residence or business of the defendant.

(4) Such rule of court shall be heard and determined on the return day thereof by the Chief Judge of the said Court or the person for the time being acting as such, and by a jury to be summoned and empanelled in the same manner as a jury to try issues in the said Court of Common Pleas is summoned and empanelled.

Contempt of Court Act.

(5) On the hearing of such rule of court the defendant shall plead and thereupon evidence shall be taken on both sides orally, and the defendant shall be a competent witness in his own behalf; the same rules as to summoning and compensation of witnesses, their examination, cross examination, and re-examination, the admissibility or otherwise of evidence, the addresses of counsel, and the Judge's charge to the jury, observed in the Court of Common Pleas on the hearing of actions, shall apply to and be observed on the hearing of such rule of court.

(6) The defendant to such rule of court may apply for and obtain a special jury in the usual manner, and the costs thereon shall be costs in the cause.

(7) The jury sworn to try the issues both of law and fact of such rule shall give a general verdict of guilty or not guilty upon the whole matter both of law and fact put in issue upon such rule, and shall not be required or directed by the Court or Judge, before whom such rule shall be tried, to return any other verdict or finding whatsoever.

(8) On a verdict of guilty being returned by the jury, the Court shall, in the case of a contempt of court by spoken or written comment on pending legal proceedings, order the defendant to pay a fine not exceeding one hundred pounds or to be imprisoned without hard labour for any term not exceeding six months, and in all other cases the Court shall order the defendant to pay a fine not exceeding twenty five pounds, and, in default of payment within a definite time not less than fourteen days, to be imprisoned without hard labour for any term not exceeding one month.

(9) The defendant if dissatisfied with the verdict may move the Court or Judge in chambers within three days after the giving of such verdict for a new trial, and any new trial granted shall be heard and proceeded with in the same manner as the original trial.

(10) The defendant if convicted, or if a new trial shall be refused him, may within three days after such conviction or new trial shall have been refused enter into a bond, with a sufficient surety to be approved by the Registrar, in the sum of fifty pounds, before the Registrar for the due prosecution of an appeal by him to the Circuit Court of Appeal for the Windward Islands, and on his entering into such bond the sentence of the court shall be stayed until such appeal is disposed of, and such person shall not be detained in custody: and the Judges of the said Circuit Court of Appeal may, if

Contempt of Court Act.

in their opinion the evidence did not warrant the finding, or a new trial, where the same has been applied for, ought to have been granted, reverse such finding and acquit the defendant, or may grant a new trial where the same has been applied for and refused.

Costs in such cases.

5. Whenever the defendant shall be acquitted he shall be entitled to his costs from the person obtaining the rule of court, and on his being convicted he shall pay costs, and such costs shall be taxed by the Registrar in the usual manner, who on taxing the same shall enter up judgment in his office along with the other judgments entered in his office for the amount of such costs ; and execution shall be issued thereon by the Registrar in the usual manner.

Chief Judge if personally affected not to sit on hearing.

6. In case the contempt alleged in such rule of court shall in any way refer to or affect the Chief Judge of this Island, or the person for the time being acting as such, so as to cause such Chief Judge or acting Chief Judge to be personally interested in the matter, such Chief Judge or acting Chief Judge shall notify the Governor, who shall appoint some competent person to act as Chief Judge on the hearing of such rule.

Penalty for insulting the Judge of a Petty Debt Court.

7. If any person shall wilfully insult the Judge of any Petty Debt Court during his sitting in court, the Judge of such court shall order such persons to pay a fine not exceeding two pounds, and, in default of payment within fourteen days after the making of such order, may by warrant under his hand commit the person to prison for any term not exceeding seven days.

Appeals from orders in respect of contempts made by any Police Magistrate, Petty Debt Court Judge, or Coroner.

8. Any person who shall be ordered by any Police Magistrate, Judge of the Petty Debt Court, or by any Coroner to pay a fine or to be imprisoned for contempt of court may, at the time of such order, give notice to the committing Police Magistrate, Judge, or Coroner of his intention to appeal to the Assistant Court of Appeal of this Island, and the giving of such notice shall operate as a stay of such order, and such person shall not be detained in custody ; and the committing Police Magistrate, Judge, or Coroner shall within six days after the giving of such notice send in to the Assistant Court of Appeal a statement signed by him of the causes of such committal, and upon such statement being received, the clerk of the court shall within two days thereafter issue a summons to be served by a police officer on the appellant, calling on him to appear before the Judges of the Court on a day to be named therein; and the Assistant Court of Appeal shall hear and determine such

Contempt of Court Act.

appeal with all possible despatch, and may from time to time return the proceedings to the committing Police Magistrate, Judge, or Coroner for further information, and on the appeal being confirmed the committing Police Magistrate, Judge, or Coroner shall proceed to carry out and enforce his order in the same manner as if there had been no appeal against the same.

9. Any person who shall be ordered by any Judge of the Assistant Court of Appeal, in its appellate or original jurisdiction, to pay a fine or be imprisoned for contempt of court, may at the time of such order give notice to the committing Judge or Judges of his intention to appeal to the Court of Error of this Island; and the giving of such notice shall operate as a stay of such order, and such person shall not be detained in custody; and on such person entering into the necessary recognizance prescribed by section seventy of the Assistant Court of Appeal Act, 1900, the Judges of the Assistant Court of Appeal shall within six days thereafter send in to the clerk of the Court of Error a statement of the cause of such committal under the hands of the committing Judge or Judges, and upon such statement being received the clerk of the Court of Error shall within two days thereafter issue a summons to the Provost Marshal of this Island, who is hereby required to execute the same free of cost calling on the appellant to appear before the Chief Judge in Error on a day to be named therein; and the Chief Judge in Error shall hear and determine such appeal, and either confirm the order of the Assistant Court of Appeal, imposing the costs of the Court of Error on the appellant, or vary or quash such order; and the Chief Judge in Error may from time to time return the proceedings to the committing Judge or Judges for further information; and on the appeal being confirmed the committing Judge or Judges shall proceed to carry out and enforce his or their order in the same manner as if there had been no appeal against the same, and also enforce payment of the costs of the Court of Error in the same manner as the payment of costs of the Assistant Court of Appeal is enforced.

Appeals from orders in respect of contempts made by the Assistant Court of Appeal.

10. Nothing hereinbefore contained shall be deemed to interfere with or affect the power now possessed by a superior court to punish, by attachment or otherwise, any person who shall disobey a process of such Court directed to him, or who shall disobey any order or direction of such Court.

Limitation of effect of Act.

Contempt of Court Act.

Disposal of fines.

11. All fines and penalties to be paid under this Act shall be paid into the Public Treasury for the uses of the Island.

An Act to make provision for the collection of a Police Tax.

[30 November 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short Title.

Short title.

1. This Act may be cited as the Police Tax Act, 1891.

Police tax.

Persons liable to pay police tax.

2. (1) Every person who in any year shall be assessed by the Vestry of any parish in respect of the ownership of any land or messuage, and shall be liable to pay parochial taxes in respect of such land or messuage, shall in each such year pay to the Parochial Treasurer of the parish a police tax in respect of such land or messuage, at the rate of eight pence for each acre of land and two pence in the pound on the annual rent or value of such messuage, and where any person is the owner of land and a house or houses thereon or thereto belonging, the tax aforesaid shall not be paid on both the land and the house or houses, but the tax shall be paid either on the land or on the messuage thereto belonging whichever shall afford the largest tax, such tax on lands and messuages to be regulated by the annual assessment for general parochial purposes made by the Vestry of the parish, but if there be a failure in the parish for want of a Vestry or otherwise in making such annual assessments the tax shall be regulated by the last assessment duly made in the parish for general parochial purposes.

Rate of such tax.

How to be assessed.

How and when paid.

(2) Such police tax shall be paid by such person at the time, and in the manner, and subject to the conditions so far as the same may be applicable, at, in, and subject to which the parochial tax shall be payable, and shall be demanded and recovered by the Parochial Treasurer in the manner and subject to the rights, obligations, and conditions affecting parochial taxes.

Police Tax Act.

3. (1) In all cases in which any plantations, houses, lands, or properties in this Island which are or shall be ratable in respect of the police tax shall be levied on by the Provost Marshal under any execution, and in case of plantations, houses, and lands, belonging to the estate of a bankrupt, the amount of any police taxes due in respect of any such plantations, houses, lands, or properties, and all future police taxes which may accrue or be laid and become payable in respect thereof during any time such plantations, houses, lands or properties shall remain unsold in the said Provost Marshal's Office or the Official Assignee's Office respectively, shall be a charge on the same prior and preferably to all other liens and demands affecting the same. And when any such plantations, houses, lands, or properties shall be sold by the Provost Marshal or Official Assignee the amount of all such police taxes shall be paid out of the purchase money thereof prior and preferably to any mortgages, judgments, executions, or other liens against the property so sold: provided always, and the Provost Marshal and Official Assignee shall be, and they are hereby respectively authorized from time to time to pay and allow the amount of any such taxes already due and which shall or may accrue due in respect of any plantations, lands, houses or properties remaining unsold out of any moneys now in their hands, or which may hereafter come to their hands out of or in respect thereof. In all cases in which plantations have been or shall be placed under control of the Court of Chancery and no receiver shall be appointed, all unpaid police taxes shall be a first lien on the same until paid.

The tax to be a first lien on sales by Provost Marshal, Official Assignee, or in Chancery.

(2) No owner whose plantation, house, land or property has been taken in execution or passed to the Official Assignee on bankruptcy shall be liable in respect of any police taxes which have accrued or may accrue during the time such property remained under the control of the Provost Marshal or Official Assignee: provided always that should the execution be raised or abandoned, or the fiat of bankruptcy annulled, the liability of such owner in respect of such property shall revive.

Owner of property under control of Provost Marshal or Official Assignee not liable.

4. The Parochial Treasurer of each parish shall be allowed as a remuneration for the duties required of him by this Act a commission at the rate of six pounds per cent on all sums of money collected and received by him for the purposes of this Act.

Remuneration of Parochial Treasurer for collecting tax.

5. The Parochial Treasurer of every parish is hereby enjoined to use all due diligence in collecting the taxes aforesaid within the time limited for that purpose, and he

Parochial Treasurer to pay over all sums collected to Colonial Treasurer.

Police Tax Act.

shall on or before the fifteenth day of each month pay to the Colonial Treasurer to the credit of the general revenue all sums collected by him and then remaining in his hands after deducting the commission mentioned in the preceding section, and the Auditor General shall have full power and authority to call for and examine all books, accounts, and other vouchers of any Parochial Treasurer relative to the police tax as he shall deem fit and necessary in the exercise of his duties, and if any Parochial Treasurer shall make default therein he shall incur a penalty not exceeding ten pounds for each default.

Parochial Treasurer required to keep accounts and such accounts open to inspection.

6. The Parochial Treasurers shall, and they are hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received, and of all the several articles, matters, and things for which such sums of money shall have been so received, which book or books shall be opened for the inspection of all persons liable to pay police taxes in the said parish, or their legally constituted representatives, without fee or reward, and the said persons aforesaid or any of them shall and may take copies of or extracts from the book or books or any part or parts thereof without paying anything for the same, and in case the Parochial Treasurer shall on any reasonable demand refuse to permit or shall not permit the said persons, or any of them as aforesaid, to inspect the said book or books, or take such copies or extracts as aforesaid, such Parochial Treasurer shall forfeit and pay a sum not exceeding two pounds for every such offence.

Parochial Treasurer required to account to Auditor General for money received.

7. The Parochial Treasurers shall once in every six months or oftener if called upon for that purpose by the Auditor General account for all sums of money received by them under the authority of this Act, and if any Parochial Treasurer shall neglect duly to enforce payment of all taxes which he is hereby authorized to collect he shall for every such neglect forfeit a sum not exceeding two pounds, and if any Parochial Treasurer shall in any way misapply or divert any of the moneys received by him to any purpose whatsoever not authorized by this Act, he shall be liable, in addition to any penalty or punishment to which he may otherwise by any law be liable, to pay double the amount of the sums of money so misapplied or diverted by him.

Penalty.

Penalties how recoverable.

8. All penalties under this Act may be recovered in a summary manner before a Police Magistrate on the complaint of any person and shall be paid one half to the

Police Tax Act.

complainant and the other into the Treasury to the credit of the general revenue.

9. In case the Parochial Treasurer of any parish shall be unwilling to perform the duties imposed and required of him by this Act, it shall be lawful for the Governor-in-Executive Committee to appoint a person to perform such duties and to require of such person a bond in such manner and with such sureties as the Governor-in-Executive Committee may determine, conditioned for the faithful performance of his duties and the due accounting for all moneys received by him under this Act ; and such person when so appointed shall for the purposes of this Act be deemed to be the Parochial Treasurer, and shall have free access to the parochial rate books to enable him to discharge the duties imposed on him by this Act.

Governor to appoint person to perform duties in case of refusal of Parochial Treasurer.

10. (1) The Governor-in-Executive Committee may if he thinks fit remit any sum payable as a police tax, and the Parochial Treasurer of each parish shall in each year make a return to the Executive Committee of those persons whose taxes have been remitted by the Vestry of his parish.

Remission of tax.

(2) The cost of all books, stationery, and printing required by the several Parochial Treasurers for discharging the duties imposed on them by this Act shall be defrayed by the Public Treasury.

 1892—1.

An Act to consolidate and amend the Law relating to Bills of Lading.

[15 January 1892.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Bills of Lading Act, Short title. 1892.

2. Every consignee of goods named in a bill of lading, and every indorsee of a bill of lading, to whom the property in the goods therein mentioned shall pass upon or by reason of such consignment or indorsement, shall have transferred to and vested in him all rights of suit and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

Rights and liabilities of consignee and indorsee.

Bills of Lading Act.

Act not to affect
right to stop in
transitu.

3. Nothing herein contained shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or any liability of the consignee or indorsee by reason or in consequence of his being such consignee or indorsee or of his receipt of the goods by reason or in consequence of such consignment or indorsement.

Bill of lading
conclusive evi-
dence of ship-
ment.

4. Every bill of lading in the hands of a consignee or indorsee for valuable consideration representing goods to have been shipped on board a vessel shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board; provided that the master or other person so signing may exonerate himself in respect of such misrepresentation by shewing that it was caused without any default on his part and wholly by the fraud of the shipper or of the holder or some person under whom the holder claims.

Who to repre-
sent owner or
charterer of ship
in proceedings
on bill of lading

5. In any proceedings taken in this Island against the owner or charterer of any ship or other person in respect of any bill of lading or other contract of affreightment relating to goods and merchandize brought to this Island by any such ship as aforesaid, the recognized or ostensible agent in this Island of such owner, charterer, or other person, or, if no such agent, the master of such ship shall be deemed and taken to be the legally qualified agent of such owner, charterer, or other person on whom all process issued in proceedings taken against such owner, charterer, or other person shall be served, and such agent or master shall in all respects represent such owner, charterer, or other person in any such proceedings, and all such proceedings shall be binding on the owners and charterers or other person as aforesaid.

Moneys in hands
of representative
may be attached.

6. Moneys in the hands of or coming to such agent or master as aforesaid belonging or payable to such owner, charterer, or other person as aforesaid, shall for the purposes of this Act be deemed to be a debt within the meaning of the Judgment Creditors Remedies Act, 1891, and the agent or master shall for the purposes of that Act be deemed to be garnishees within the meaning of the said Act.

Poor Relief Act.

An Act to consolidate and amend the Acts of this Island relating to Poor Relief.

[3 October 1892.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Poor Relief Act, 1892. Short title.

PART I.

The Poor Law Board and its officers.

2. The Poor Law Board shall be composed of a president and four other persons to be nominated from time to time by the Governor, of whom one at least shall be a member of the Legislative Council, and two at least members of the General Assembly; provided always that the members so appointed from the General Assembly shall continue to act as members of the Board after the expiration or dissolution or during the prorogation of the General Assembly, and if returned to serve in any session subsequent to that during which they were appointed, then until such time as the Governor shall make other appointments: provided always that if the president or any member of the Board shall be absent from the Island without leave of the Governor for any period exceeding two months, it shall be lawful for the Governor to appoint another president or another member, as the case may be, in his place.

Composition of
Poor Law Board.

3. Any three members of the Board shall be sufficient to form a quorum.

Quorum.

4. It shall be the duty of the Poor Law Board and they are hereby required to satisfy themselves that the provisions of the laws relating to the Vestries, and all other Acts now or at any time hereafter in force appertaining to the taking care of and maintenance of the infirm, aged, and destitute poor of the several parishes of the Island be carried out; and besides the power and authority to this end conferred upon the said Poor Law Board by this Act, they are required, if at any time they may be so directed by a clear majority of the said Board and with the consent in writing of the Attorney General of the Island, to apply in the name of their secretary to the Court of Common Pleas for a rule of court to enforce any duty required to be performed by any

General duties of
Poor Law Board.

Duty of Vestry
enforceable by
rule of court.

Poor Relief Act.

Vestry in connection with the poor as aforesaid, which the Vestry have wilfully, perversely, or contumaciously neglected, omitted, or refused to perform; and the costs, as fixed by the docket of fees in force, of any such application on the part of the said Poor Law Board shall be advanced by the Colonial Treasurer of the Island on the warrant of the Governor-in-Executive Committee; and in any such case, should a rule of court go against any such Vestry, the taxed costs shall be paid by such defaulting Vestry, and they are empowered to order the said costs to be paid by the Parochial Treasurer out of the parochial funds.

Secretary of
Poor Law Board,
appointment and
duties.

5. The Governor is hereby authorized and empowered from time to time as may be necessary to appoint some fit and proper person to be secretary to the Poor Law Board at a salary of one hundred and twenty five pounds per annum, to be paid monthly from the Public Treasury on the warrant of the Governor-in-Executive Committee, and such person shall hold no other office or appointment, and shall, besides performing the ordinary duties of a secretary, be required to give daily attendance at the office of the board, and be accessible to persons having complaints to make, or other business to transact in connection with the department; provided always that nothing in this section contained shall be deemed to prevent, or shall prevent the person for the time being holding the office of secretary to the Poor Law Board from acting as secretary or clerk to any commission or committee appointed by the Governor for any purpose whatsoever, but on the contrary such person shall be eligible to act as such secretary or clerk as last aforesaid.

Proviso.

Appointment of
Poor Law Inspector.

6. The Governor is hereby authorized and empowered from time to time as may be necessary to appoint a fit and proper person to be Poor Law Inspector, who shall be a duly qualified medical man, at a salary of three hundred and fifty pounds per annum, to be paid monthly from the public Treasury, on the warrant of the Governor-in-Executive Committee, and such officer shall not hold any other office or appointment.

Institutions to
be visited by
Inspector.

7. It shall be the duty of the said Inspector to visit and inspect regularly, and whenever otherwise required so to do by order or direction of the Poor Law Board, the Lunatic Asylum, the Lazaretto, the General Hospital, the Prison Hospitals, the Government Industrial School, and all Infirmeries, Homes, Almshouses, and Hospitals at present in the Island, or which may hereafter be brought into existence, which shall in any way receive public or parochial

Poor Relief Act.

aid, pecuniary or otherwise, and the said Inspector shall report at regular periods of three months to the Poor Law Board on the actual condition of the aforesaid institutions, or any such as may be brought into existence, and of the inmates thereof.

8. The Inspector shall further, once at least every six months, make a visit of thorough and detailed inspection to each parish of the Island in order to satisfy himself that poor relief in all its departments is efficiently and properly carried out, and he shall during the months of January and July in every year, forward a report of such inspection to the Governor for the information of the Legislature, and he shall also make special reports on any matter connected with poor relief when occasion may require it.

Inspector to make a detailed inspection and report every six months.

9. The Inspector shall further state in such report what immediate improvements, alterations, or changes he may further consider necessary in order that any such institutions may be placed on an efficient and proper footing, or for any other purpose in connection therewith that to him may seem advisable.

In such reports to suggest improvements.

10. The Inspector is hereby empowered to visit any of the institutions hereinbefore mentioned with or without notice at any time of the day or night, and to make any such enquiry, written or verbal, as to him may seem fit in furtherance of the purpose and object of this Act, of any person or persons receiving pay for performing any duties in connection with any such institutions, and to call for and inspect any books, documents, vouchers, or papers connected with the management and conduct of any such institution.

Powers of Inspector.

11. Should any officer or servant whose duty it is to be in attendance and reside within any such institution be absent when the Inspector shall make any visit, unless such absence be duly and satisfactorily accounted for, or should any books, documents, vouchers, or papers as aforesaid not be produced or be withheld when asked for, the Inspector shall in either of the above cases report the matter specially to the Poor Law Board, who shall take such proceedings as they shall think proper.

Default of officer or withholding of books to be reported to Poor Law Board.

12. All visits made by the Inspector to any such institution as aforesaid shall be recorded in a book to be kept on the premises for such purpose, and the date of the visit and any minute he may think proper to make shall be written by him, and he shall sign the same.

Inspector's minute book.

Poor Relief Act.

Once a year Poor Law Board to make a general report.

13. Once in every year, previous to the twenty fifth day of March, the Poor Law Board shall present to the Governor for the information of the Legislature, a report showing the general condition of the poor of this Island, and of all the institutions in connection therewith, together with a detailed account of the amount of parochial moneys expended on poor relief of whatever nature or kind during the past year, and in such report the Poor Law Board shall have power to make such recommendations for the better accommodation or relief of the poor as to the Poor Law Board shall seem proper and advisable.

Poor Law Board may call on any Vestry for information.

14. The Poor Law Board is hereby authorized to call at any time upon any of the Vestries for any information in connection with the administration of poor relief as the Poor Law Board may deem necessary, and the said Vestries are hereby required to furnish the same within a reasonable time after such application in writing addressed to the respective Chairmen of the said Vestries.

Schemes for the erection of almshouses or infirmaries.

15. If any Vestry or more Vestries than one acting together is or are willing to provide one or more suitable almshouses or infirmaries, it shall be lawful for such Vestry or Vestries to frame schemes for the erection thereof, and for the granting of loans or other aid from the Public Treasury or otherwise for the erection of any such almshouse or infirmary, and in the form of petition or in any other form to lay the said scheme before the several branches of the Legislature for their consideration, in order that they may take such action thereon as they may deem advisable in the interests of the inhabitants of the respective parishes and the poor thereof; and in any such scheme there shall be set forth the proposed locality of such institution, and the estimated cost of its erection, the amount in aid required, how the same shall be raised, the amount of interest to be paid thereon, how such interest shall be raised, and if in the way of tax or taxes, how such tax or taxes shall be recovered and by whom.

Particulars to be set forth in such schemes.

Stationery and incidental expenses.

16. The Poor Law Board shall be furnished with stationery and other incidental expenses of the department at the public cost.

PART II.

Local Boards.

Appointment by Vestries and remuneration of

17. Each Vestry shall at the meeting on or after the twenty fifth day of March in every year select three of its own members who shall form a Board of Guardians for the

Poor Relief Act.

poor of their respective parishes, of whom one shall be the local Boards of Churchwarden who shall be the Chairman of the said Board of Guardians; and it shall be lawful for the Vestry of every such parish to give to each of such Guardians such remuneration out of the parochial funds as they shall think proper for discharging the duties cast upon him; and the Vestry of any parish may grant to any Churchwarden or Poor Law Guardian leave of absence for such period as the Vestry may think fit, and appoint another of its members to act as Churchwarden or a Poor Law Guardian during such period, provided that such leave of absence shall not extend beyond the twenty fifth day of the following March; provided that if the Churchwarden or any Vestryman so elected as a Poor Law Guardian shall before the expiration of the year for which he is so appointed die, or decline to act, or cease to be a member of the Vestry, or shall be absent from the Island at any one time for a period exceeding fifteen days without having obtained leave of absence from the Vestry of the parish, it shall be lawful for the Vestry to appoint another Churchwarden or Poor Law Guardian in his place.

The clerk of the Churchwarden of the parish of Saint Michael shall be the clerk of the Board of Guardians of that parish, and it shall be lawful for the Vestry of the said parish of Saint Michael to pay to such clerk such salary out of the parochial funds as they shall think fit, not exceeding the sum of one hundred and twenty five pounds per annum; provided always that if the clerk of the Churchwarden of the said parish of Saint Michael shall decline the appointment as clerk of the Board of Guardians of that parish, then such Board shall appoint another clerk at a salary not exceeding the above-mentioned sum. The clerks of the Vestries of the other parishes shall be the clerks of the Boards of Guardians of those parishes respectively, and it shall be lawful for the Vestries of those parishes to pay to such clerks respectively such salaries out of the parochial funds as they shall think fit, not exceeding the sum of twenty five pounds per annum: provided always that if the clerk of any such Vestry shall decline the appointment as clerk of the Board of Guardians, then in every such case the Board of Poor Law Guardians shall appoint another clerk at a salary not exceeding the last-mentioned sum.

13. Any two of such Poor Law Guardians so appointed Quorum shall be sufficient to form a quorum at any meeting of such Guardians for the transaction of business in connection with poor relief.

Poor Relief Act.

Meetings.

19. Each Board of Poor Law Guardians shall meet at least once every fortnight, and whenever called upon by the chairman for the transaction of business, and, if for any reason no meeting be formed, the chairman shall report such fact together with the cause thereof to the Vestry, which report shall be recorded on the minutes of the proceedings of the meeting at which the same shall be read.

Vestries to forward every six months certain returns to Poor Law Board.

20. The Vestry of each parish shall twice in every year during the month of January and July forward to the Poor Law Board a return showing the number of inmates, in the different almshouses of their respective parishes together with their names and addresses, the number of the working staff employed, the scale of dietary given, and the amount in detail which has been expended in connection with such almshouses during the preceding six months; and also a return showing the number and names of persons receiving outdoor relief, mentioning the period during which any such persons may have been receiving relief, and the time for which relief shall have been given, and they shall furnish the Poor Law Board with any further information in connection with poor relief as the Poor Law Board may from time to time require, and which it may be in the power of the said Vestry to furnish as appertaining to their duties in connection with poor relief.

Vestries acting with local Boards to prepare annual estimates for poor relief.

21. The Vestries shall, in conjunction with the local Boards of Poor Law Guardians in their respective parishes, prepare annual estimates for poor relief at least one month previous to the rates being laid, which estimates shall form a separate item in the annual estimates usually voted by the Vestries, and shall show in detail the amount for the support of almshouses, dispensaries, and other similar institutions, where any, and the amount for outdoor and casual relief.

Supplementary rates how to be laid.

22. Should the Board of Poor Law Guardians in any parish be of opinion that it is necessary in any case to lay a supplementary rate or rates in such parish for the due administration of poor relief, they shall request the Vestry of such parish to lay them accordingly, and the Vestry is hereby authorized and required to do so, and such rates if laid shall be published and be laid before the Governor-in-Executive Committee for confirmation, and shall be liable to all incidents of whatever kind appertaining to rates ordinarily laid by Vestries before the passing of this Act.

Local Boards to assist Inspector of Poor;

23. Every local Board of Poor Law Guardians is hereby required to assist so far as lies in their power the Inspector of Poor appointed under this Act, giving him such informa-

Poor Relief Act.

tion in connection with poor relief as he may desire, and all such other assistance as may in any manner facilitate the performance of his duties.

24. The local Board of Guardians of each parish under this Act shall have the charge and control of the almshouses, infirmaries, or other institutions for the poor in their respective parishes, subject to the authority of the Vestry. to have charge of almshouses &c ;

25. Such local Boards of Guardians shall have and they are hereby given full power and authority from time to time to make rules and regulations for the good government, arrangement, and comfort of the almshouses, infirmaries, or other institutions for the poor of their respective parishes, and for the employment of the inmates thereof, and such employment is to be sanctioned by the medical officer of the parish, and such rules and regulations shall be submitted, first to the Vestry for approval or amendment, and then laid before the Governor-in-Executive Committee for approval and confirmation, and all such rules and regulations, when so approved and confirmed, shall be printed and shall be fixed up in two or more conspicuous places in each almshouse, so that they may be readily seen by the inmates thereof, and shall also be read to every person admitted to the almshouse, and the same shall be valid and binding on all persons. to make regulations for almshouses &c.

Approval, confirmation, and publication of such rules.

26. If any inmate of any almshouse, infirmary, or other institution for the poor, after the publication of such rules and regulations as aforesaid shall violate any of such rules and regulations, it shall be lawful for one of the Poor Law Guardians, or some one authorized by them in writing, signed by the Chairman, to lodge a complaint before a Police Magistrate for such violation, and such inmate, on conviction thereof, shall be liable to be imprisoned for any term not exceeding one month, with or without hard labour. Breach of regulations.

27. Should any one almshouse be used for the purposes of, or be supported by, more parishes than one, then and in every such case the members of the Board of Guardians of each parish which may contribute towards the support and maintenance of such almshouse shall all be summoned for the transaction of any business in connection therewith ; provided however that any three of such members shall form a quorum ; and provided that any one of such Poor Law Guardians shall have the like powers as regards such almshouse as if such almshouse belonged exclusively to the parish of which he may be Poor Law Guardian ; and Government of almshouse of united parishes.

Poor Relief Act.

provided that the Churchwarden of the parish in which such almshouse shall be situated shall be the Chairman of any such joint board.

Local Boards to
appoint Inspec-
tor of Poor.

28. It shall be lawful for the local Board of Poor Law Guardians of any parish to annually appoint an Inspector of the Poor for such parish at such annual salary as the local Board may with the approval of the Vestry determine upon. And it shall be lawful for such Inspector in the name of the Churchwarden or Guardians of the Poor of any parish to lodge any complaint or summons before any Police Magistrate in any case where by any law the said Churchwarden or Guardians is or are empowered to bring a summons or prosecute any case in the discharge of their respective duties, either at common law or by any Act or statute relating to the poor or for the prevention of bastardy.

His duties.

29. Any Inspector so appointed shall be under the immediate control of the local Board of Guardians and shall perform such duties as the local Board may call upon him to perform; but it shall be the duty of such Inspector once every year, two calendar months before the twenty fifth day of March, to make an alphabetical return to the Guardians of all persons in the parish who may in his opinion stand in need of parochial care and relief, either by being taken into the almshouse, or by being afforded outdoor or other relief; such return to show the sex, colour, and age of every such person, to describe the condition of his residence, the nature of his employment (when he was able to take employment), his average wages when he had been so employed, how long he has been out of employment, and the reason thereof, and whether he has any, and what relatives, and whether they reside in the Island, and where, if ascertainable. And the Guardians shall have power in their discretion to amend every such return by adding to or removing therefrom any name improperly omitted or placed thereon, and shall verify the same and lay the said return before the Vestry at least ten days before the laying of the rates.

Granting of out-
door relief by lo-
cal Boards.

30. The Poor Law Guardians shall have power in cases of urgent necessity to grant outdoor relief by any order in writing, signed by the Chairman, upon the Parochial Treasurer for money, or upon any other person for supplies or otherwise; provided always, that any person feeling himself aggrieved by anything done or omitted, either by the local Inspector of the Poor, or the local Guardians, may at any time appeal in writing, or by parol, to the Vestry of the parish in which such grievance may occur, who shall imme-

Appeal to Vestry
by person ag-
grieved.

Poor Relief Act.

diately deal with the said grievance, and it shall be the duty of the Chairman or Churchwarden immediately to summon the Vestry upon any such appeal being notified to either of them, in order that the person complaining may be heard by the said Vestry and the complaint disposed of. Provided nevertheless, that any poor person who may feel that he deserves to be taken into an almshouse or infirmary, or to be put upon the list for outdoor relief, and has been overlooked, may bring his case before the local Inspector or Board of Guardians, and if it be not considered favourably such person shall have the right to appeal as hereinbefore provided to the Vestry who shall consider and determine his case like any other appeal. And provided always that the Vestry shall at all times have and exercise the right of ordering the execution of any duty in connection with the poor which the local Inspector or Guardians shall purposely in the opinion of such Vestry neglect, refuse, or omit to perform.

31. The local Board of Guardians shall have power at any time to suspend or dismiss such local Inspector for misconduct or for any other reason as to them shall seem sufficient. Local Boards may dismiss Inspector of Poor.

PART III.

Medical Officers.

32. Each of the Vestries of the several parishes shall appoint one or more properly qualified medical officers of the poor as the exigencies and population of the respective parishes may require; and the Vestries shall have power to pay such salary for such medical aid as they may deem suitable and sufficient. The medical officers so appointed shall be subject to the authority of the Guardians and be amenable to any rules or regulations, so far as may be applicable to them for the government of the almshouses, infirmaries, or any other similar establishment in the parish. The medical officers shall visit the said almshouses and infirmaries at least twice a week, and give their attendance to the sick poor therein, and shall attend at other times as often as required by any order of the Guardians or other member of the Vestry, and shall record each visit in a medical book to be kept on the premises for that purpose with written directions as to the treatment of each case prescribed for. The Guardians shall as soon as possible after the twenty fifth day of March in every year furnish each medical officer, if more than one, with a list of the outdoor paupers and their respective places of abode, and thereafter as often as the said list shall be added to or changed, and the medical officers shall Vestries to appoint medical officers of the poor.

Duties and remuneration of such officers.

Poor Relief Act.

promptly attend any outdoor pauper on being requested to do so in writing or by parol by any Inspector or Guardian of the poor, and he or they shall also promptly attend and afford medical aid to any other person in the parish on being required to do so in writing by either of the Guardians or by any member of the Vestry ; provided however, that whenever any medical officer shall be so required to attend any person, not an inmate of any almshouse or infirmary, nor upon the list of outdoor poor, the medical officer shall for every such case be entitled to a fee not exceeding one guinea to be paid by the Parochial Treasurer on the order of any Guardian ; provided also, that in any extreme or difficult case the Vestry shall be at liberty to order the payment of such a fee as they may deem proper. It shall also be the duty of the medical officer to examine into the sanitary condition of any almshouse or infirmary in his parish, and to note in the book any remarks or suggestions he may think proper with a view to the comfort, health, dietary, or clothing of the inmates.

Dispensaries to be provided.

33. (1) Dispensaries for supplying medicine prescribed by any medical officer under this Act shall be attached to the infirmary of every parochial or district almshouse or infirmary under regulations to be made by the Poor Law Guardians of any parish or district.

Things to be dispensed thereat and upkeep thereof.

(2) The Poor Law Guardians of each parish may make provision at such parochial dispensary for the dispensing of prescriptions other than those mentioned in the last preceding subsection, and for the sale thereat, to any purchaser, of drugs, medicines, and medical and surgical appliances. And the Vestry of each parish in laying the annual rates are hereby authorized to make provision for the upkeep and carrying on of such dispensary as is contemplated by this subsection in such amount as they shall deem necessary.

Dispenser's quarters.

(3) The Vestry of any parish may, in their discretion, in laying the annual rates make provision for building or providing suitable quarters for the dispenser.

Returns to be made by medical officers.

34. The medical officer or officers of each parish shall make quarterly returns to the local board of guardians of all pauper patients whether in receipt of indoor or outdoor relief, stating the disease from which such patients are suffering respectively, the number and dates of medical visits paid to them, and any other particulars which by any rule or regulation passed by the Poor Law Board such district medical officers shall be required to make to the local Board

Poor Relief Act.

of Guardians. They shall also make quarterly returns to the Local Board of Guardians and to the Commissioners of Health of the sanitary condition of their parishes respectively. Where any medical officer is under agreement with any Vestry to attend and treat members of the labouring class at a reduced rate of fees in consideration of an increased salary being paid by the Vestry to the medical officer for that purpose, the medical officer shall give the number so treated by him in the quarterly returns made to the local Board of Guardians.

PART IV.

Miscellaneous.

35. If any poor destitute person shall be found in a parish in which he or she has not a settlement, the Chairman of the local Board of Guardians of such parish shall grant him or her relief until he or she can be removed to the parish in which he or she has a settlement, and the relief so granted shall be repaid to such Chairman on the order of the Chairman of the local Board of Guardians of the parish in which such destitute person has a settlement, and such sum may be recovered on complaint of or on behalf of such Chairman before the Police Magistrate of the parish where the said pauper so relieved has a settlement.

Relief of person not having a settlement in parish where relieved.

An Act to authorize George Stade to drive Piles and erect a Jetty in the Sea opposite his lands situate near "Spring Garden" plantation in the parish of Saint Michael.

[15 November 1892.]

WHEREAS the said George Stade has presented a petition Preamble. to the Legislature of this Island, stating that he is the owner of a piece or parcel of land (formerly part of the lands of "Spring Garden" plantation) situate in the parish of Saint Michael in this Island, bounding (amongst other boundaries) on the sea-shore, and that he desires to drive piles and erect a jetty in the sea opposite his said lands, and if necessary for that purpose or for the purpose of obtaining a safe passage to and a safe roadstead near or around the said jetty, or for both the said purposes, to blow up, break up, and remove by means of dynamite,

Stade (Jetty) Act.

gun-cotton, or other explosive or means whatsoever, any rocks or reef or other thing being in or under the sea, and with power for him from time to time, if he shall so desire, to extend and enlarge or alter, vary or remove the said jetty; and praying that he, his heirs and assigns, may have legislative protection in the use and enjoyment of the said jetty, and the exclusive right and benefit thereof: And whereas it is deemed expedient to grant the prayer of the said petition. Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Stade (Jetty) Act, 1892.*

George Stade, his heirs and assigns, authorized to erect a jetty in the sea opposite "Spring Garden."

2. The said George Stade, his heirs and assigns, may drive piles and erect a jetty in the sea opposite his lands situate near "Spring Garden," in the parish of Saint Michael in this Island, and may, if necessary for that purpose, or for the purpose of obtaining a safe passage to, and a safe roadstead near or around the said jetty, or for both the said purposes, blow up, break up, and remove by means of dynamite, gun-cotton, or other explosive or means whatsoever, any rocks or reef or other thing being in or under the sea, and may from time to time, if he shall so desire, extend and enlarge, or repair, alter, vary, or remove the said jetty; and the said jetty so to be erected and built shall be to and for the sole use and benefit of the said George Stade, his heirs and assigns forever.

An Act to appoint Trustees of the St. Mary's Schools, and to vest the Trust Funds in such Trustees.

[10 December 1892.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *St. Mary's Schools Act, 1892.*

Property formerly vested in trustees for the St. Mary's

2. All property, real and personal, lately vested in or belonging to the combined committee or trustees of "The Society of the St. Mary's Schools and Barbados Orphan Home and Asylum for Destitute Children," is hereby vested

St. Mary's Schools Act.

in the members for the time being of the school committee of the St. Mary's Schools appointed under the provisions of the Education Act 1890, and in their successors in office, upon trust for the use and benefit of the said schools.

schools &c. vested in the school committee.

3. Subject to the provisions of the Education Act 1890, the said committee shall have absolute and sole control of the said property and shall have power to expend any moneys from time to time coming to them (including any moneys vested in them by this Act) in the repairs, upkeep, and improvement of the school buildings or otherwise for the benefit of the schools.

Powers of the committee.

4. Any act or thing which the committee have power to do or perform may be done or performed by any two of them.

Quorum.

1893—1.

An Act for preventing Frauds upon Creditors by Secret Bills of Sale of Personal Chattels.

[23 January 1893.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Bills of Sale Act, 1893. Short title.

2. This Act shall not apply to bills of sale which may be given otherwise than by way of security for the payment of money, nor to any bills of sale of the stock, utensils, implements, fixtures, machinery or crops of any sugar work plantation, but with the exceptions aforesaid shall apply to all bills of sale whereby the holder or grantee has power, either with or without notice, and either immediately or at any future time, to seize or take possession of any personal chattels comprised in or made subject to such bills of sale.

Application of Act.

3. In this Act the following words and expressions shall have the meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say) :—

Interpretation of terms.

the expression "bills of sale" shall mean bills of sale of personal chattels :

the expression "personal chattels" shall mean goods

Bills of Sale Act.

and chattels such as household effects, chattel houses, and other articles capable of complete transfer by delivery, but shall not include growing crops, chattel interests in real estate, fixtures, nor shares, nor interests in the stock, funds, or securities of any Government, or in the capital or property of incorporated or joint stock companies, nor choses in action, nor any stock or produce upon any lands which by virtue of any covenant or agreement ought not to be removed from any lands where the same are at the time of the making or giving of such bills of sale :

“prescribed” means prescribed by rules made under the provisions of this Act.

Registrar.

4. The Registrar of this Island shall be the registrar for the purposes of this Act.

Bill of sale to have schedule of property attached thereto.

5. Every bill of sale shall have annexed thereto or written thereon a schedule containing an inventory of the personal chattels comprised in the bill of sale ; and such bill of sale, save as hereinafter mentioned, shall have effect only in respect of the personal chattels specifically described in the said schedule, and shall be void, except as against the grantor, in respect of any personal chattels not so specifically described.

Not to affect after-acquired property.

6. Save as hereinafter mentioned, a bill of sale shall be void, except as against the grantor, in respect of any personal chattels specifically described in the schedule thereto of which the grantor was not the true owner at the time of the execution of the bill of sale.

Bill of sale with power to seize except in certain events to be void.

7. Personal chattels assigned under a bill of sale shall not be liable to be seized or taken possession of by the grantee for any other than the following causes :

(1) if the grantor shall make default in payment of the sum or sums thereby secured at the time therein provided for payment, or in the performance of any covenant or agreement contained in the bill of sale and necessary for maintaining the security ;

(2) if the grantor shall become a bankrupt, or suffer the said goods or any of them to be distrained for rent, rates, or taxes :

(3) if the grantor shall fraudulently either remove or suffer the said goods, or any of them, to be removed from the premises whereon they were at the time of the giving of the bill of sale, or to which they had been removed with the grantee's permission ;

(4) if the grantor shall not, without reasonable

Bills of Sale Act.

excuse upon demand in writing by the grantee, produce to him his last receipt for rent, rates, and taxes ;

(5) if execution shall have been levied against the goods of the grantor under any judgment at law.

Provided that the grantor may within five days from the seizure or taking possession of any chattels on account of any of the above-mentioned causes apply to the court which would have jurisdiction if the proceeding were an action of debt for the sum secured by the bill of sale, or in the case of the Court of Common Pleas to the Judge thereof in chambers, and such Court or Judge, if satisfied that by payment of money or otherwise the said cause of seizure no longer exists, may restrain the grantee from removing or selling the said chattels or may make such other order as may seem just.

8. Every bill of sale shall be duly attested and registered in the manner hereinafter mentioned within seven clear days after the execution thereof, or if it is executed in any place out of this Island then within seven clear days after the time at which it would in the ordinary course of post arrive in this Island if posted immediately after the execution thereof ; and shall truly set forth the consideration for which it was given ; otherwise such bill of sale shall be void in respect of the personal chattels comprised therein.

Bill of sale to be void unless attested and registered.

9. Where a subsequent bill of sale is executed within or on the expiration of seven days after the execution of a prior unregistered bill of sale, and comprises all or any part of the personal chattels comprised in such prior bill of sale, then, if such subsequent bill of sale is given as security for the same debt as is secured by the prior bill of sale, or for any part of such debt, it shall to the extent to which it is a security for the same debt or any part thereof, and so far as respects the personal chattels or part thereof comprised in the prior bill, be absolutely void, unless it is proved to the satisfaction of the court having cognizance of the case, that the subsequent bill of sale was bona fide given for the purpose of correcting some material error in the prior bill of sale, and not for the purpose of evading this Act.

Avoidance of certain duplicate bills of sale.

10. A bill of sale shall be attested and registered under this Act in the following manner :

Mode of attesting and registering bills of sale.

(1) The execution of every bill of sale shall be attested by one or more credible witness or witnesses, not being a party or parties thereto.

(2) Such bill with every schedule or inventory

Bills of Sale Act.

thereto annexed or therein referred to, and also a true copy of such bill and of every such schedule or inventory, and of every attestation of the execution of such bill of sale, together with an affidavit of the time of such bill of sale being made or given, and of its due execution and attestation and a description of the residence and occupation of the person making or giving the same (or in case the same is made or given by any person under or in execution of any process, then a description of the residence and occupation of the person against whom such process issued), and of every attesting witness to such bill of sale, shall be presented to, and the said copy and affidavit shall be filed with the Registrar within seven clear days after the making or giving of such bill of sale.

(3) If the bill of sale is made or given subject to any defeasance or condition or declaration of trust not contained in the body thereof, such defeasance, condition, or declaration shall be deemed to be part of the bill, and shall be written on the same paper or parchment therewith before the registration, and shall be truly set forth in the copy filed under this Act therewith and as part thereof, otherwise the registration shall be void.

In case two or more bills of sale are given comprising in whole or in part any of the same chattels, they shall have priority in the order of the date of their registration respectively as regards such chattels.

A transfer or assignment of a registered bill of sale need not be registered.

Renewal of registration.

11. The registration of a bill of sale must be renewed once at least every five years, and if a period of five years elapses from the registration or renewed registration of a bill without a renewal or further renewal (as the case may be), the registration shall become void.

The renewal of a registration shall be effected by filing with the Registrar an affidavit stating the date of the bill of sale, and of the last registration thereof, and the names, residences, and occupations of the parties thereto as stated therein, and that the bill of sale is still a subsisting security.

Every such affidavit may be in the form set forth in schedule A to this Act annexed.

A renewal of registration shall not become necessary by reason only of a transfer or assignment of a bill of sale.

Bills of Sale Act.

12. The Registrar shall keep a book (in this Act called Form of register. "the register") for the purposes of this Act and shall upon the filing of any bill of sale or copy under this Act enter therein in the form set forth in schedule B to this Act annexed, or in any other prescribed form, the name, residence, and occupation of the person by whom the bill was made or given (or in case the same was made or given by any person under or in the execution of process, then the name, residence, and occupation of the person against whom such process was issued,) and also the name of the person or persons to whom or in whose favour the bill was given, and the other particulars shown on the said schedule, or to be prescribed under this Act, and shall number all such bills registered in each year consecutively, according to the respective dates of their registration.

Upon the registration of any affidavit of renewal the like entry shall be made, with the addition of the date and number of the last previous entry relating to the same bill, and the bill of sale or copy originally filed shall be thereupon marked with the number affixed to each affidavit of renewal.

The Registrar shall also keep an index of the names of the grantors of registered bills of sale with reference to entries in the register of the bills of sale given by each such grantor. Such index shall be arranged in divisions corresponding with the letters of the alphabet, so that all grantors whose surnames begin with the same letter (and no others) shall be comprised in one division, but the arrangement within each such division need not be strictly alphabetical.

13. The Chief Justice of the Court of Common Pleas, on being satisfied that the omission to register a bill of sale or an affidavit of renewal thereof within the time prescribed by this Act, or the omission or misstatement of the name, residence, or occupation of any person, was accidental or due to inadvertence, may in his discretion order such omission or misstatement to be rectified by the insertion in the register of the true name, residence, or occupation, or by extending the time for such registration on such terms and conditions (if any) as to security, notice by advertisement, or otherwise, or as to any other matter as he thinks fit to direct. Rectification of register.

14. Subject to and in accordance with any rules to be made under and for the purposes of this Act the Registrar may order a memorandum of satisfaction to be written upon any registered copy of a bill of sale upon the receipt by him Entry of satisfaction.

Bills of Sale Act.

of a notice from the person or persons entitled to the benefit of a bill of sale, and verified by affidavit, that the debt for which such bill of sale was made or given has been satisfied or discharged, being produced to the Registrar and filed in his office.

Copies may be taken, &c.

15. Any person shall be entitled to have an office copy or extract of any registered bill of sale and affidavit of execution filed therewith, or copy thereof, and of any affidavit filed therewith, if any, or registered affidavit of renewal upon paying for the same at the like rate as is now paid to the Registrar for office copies of other documents, and any copy of a registered bill of sale and affidavit purporting to be an office copy thereof shall in all courts and before all arbitrators or other persons be admitted as prima facie evidence thereof and of the fact and date of registration as shown thereon. Any person shall be entitled at all reasonable times to search the register on payment of a fee of one shilling, or such other fee as may be prescribed, and subject to such regulations as may be prescribed, and shall be entitled at all reasonable times to inspect, examine, and make extracts from any and every registered bill of sale, upon payment of one shilling for each bill of sale inspected. Provided always that all solicitors and barristers and their clerks shall be entitled to search the register and inspect, examine, and make extracts from any and every registered bill of sale without any fee.

Affidavits.

16. Every affidavit required by or for the purposes of this Act may be sworn before a Commissioner of Probates or Justice of the Peace. Whosoever makes or uses any false affidavit for the purposes of this Act shall be deemed guilty of wilful and corrupt perjury.

Bills of sale under £10 void.

17. Every bill of sale made or given in consideration of any sum under ten pounds shall be void.

Chattels seized not to be removed or sold for 5 days.

18. All personal chattels seized or of which possession is taken after the commencement of this Act under and by virtue of any bill of sale shall remain on the premises where they were so seized or so taken possession of, and shall not be removed or sold until after the expiration of five clear days from the day they were so seized or taken possession of.

Bill of sale not to protect chattels against taxes and rates or rent for 1 year ;

19. A bill of sale to which this Act applies shall be no protection in respect of personal chattels included in such bill of sale which but for such bill of sale would have been liable to distress under a warrant for the recovery of taxes

Bills of Sale Act.

and poor and other parochial rates, or for rent accrued within one year previous to such distress.

20. Chattels comprised in a bill of sale, which has been and continues to be duly registered under this Act, shall not be deemed to be in the possession order or disposition of the grantor of the bill of sale within the meaning of the Bankruptcy Act 1903. but protects them in case of bankruptcy of grantor.

21. Nothing in this Act shall apply to any debentures issued by any mortgage, loan, or other incorporated company, and secured upon the capital stock or goods, chattels and effects of such company. Act does not apply to certain debentures.

22. Rules for the purposes of this Act may be made and altered from time to time by the Chief Judge of the Court of Common Pleas for this Island. Rules.

23. When the time for registering a bill of sale expires on a Sunday or other day on which the Registrar's Office is closed, the registration shall be valid if made on the next following day on which the office is open. Computation of time.

24. Every bill of sale made or given by way of security for the payment of money by the grantor thereof shall be void unless made in accordance with the form in schedule C to this Act annexed. Form of bill of sale.

25. There shall be paid to and received by the Registrar for the benefit of the general revenue the following fees, viz :

- on filing a bill of sale 2/-
- on filing the affidavit of execution of a bill of sale 2/-
- on filing the affidavit used for the purpose of registering a bill of sale.... 5/-

26. The docket of fees of the Court of Common Pleas and any fees added to or substituted for any such fees shall apply to any proceedings under this Act. Fees on proceedings on bills of sale.

SCHEDULE A.

I A.B. of _____ do swear that a bill of sale, bearing date the _____ day of _____ 18 [insert the date of the bill] and made between [insert the names and descriptions of the parties in the original bill of sale], and which said bill of sale [or, and a copy of which said bill of sale, as the case may be], was registered on the _____ day of _____ 18 [insert date of registration] is still a subsisting security.

Bills of Sale Act.

SCHEDULE B.

Satisfaction entered.	No.	By whom given or against whom process issued.			To whom given.	Nature of instalment.	Date.	Date of registration.	Date of registration of renewal.
		Name.	Residence.	Occupation.					

SCHEDULE C.

FORM OF BILL OF SALE.

This Indenture made the day of between A.B. of of the one part, and C.D. of of the other part, witnesseth that in consideration of the sum of £ now paid to A.B. by C.D., the receipt of which the said A.B. hereby acknowledges (*or whatever else the consideration may be*), he the said A.B. doth hereby assign unto C.D., his executors administrators and assigns, all and singular the several chattels and things specifically described in the schedule hereto annexed by way of security for the payment of the sum of £ and interest thereon at the rate of per cent per annum (*whatever may be the rate*). And the said A.B. doth further agree and declare that he will duly pay to the said C.D. the principal sum aforesaid, together with the interest thereon due, by equal payments of £ on the day of (*or whatever else may be the stipulated time or times of payment.*) And the said A.B. doth also agree with the said C.D. that he will (*here insert terms as to insurance, payment of rent, or otherwise, which the parties may agree to for the maintenance or defeasance of the security*).

Provided always that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said C.D. for any cause other than those specified in section seven of the Bills of Sale Act, 1893. In witness &c.

Signed and sealed by the said A.B. }
in the presence of me }

E.F., (*add witness's name, address, and description*).

1893—2.

Registration of Judgments Act.

1893—2.

An Act to provide for the Registration of Judgments.

[24 January 1893]

WHEREAS it is deemed expedient to require all judgments to be registered in manner hereinafter mentioned, and to make such provision for the registration thereof as is hereinafter contained : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Preamble.

1. This Act may be cited as the Registration of Judgments Act, 1893.

Short title.

2. No judgment obtained or confessed in the Court of Common Pleas shall affect any lands, tenements, or hereditaments as to purchasers, mortgagees, or judgment creditors unless and until a memorandum or minute in the form mentioned in the schedule to this Act, containing the names of the plaintiff and defendant respectively, and the date of such judgment, and the amount of the debt, damages, costs, or moneys thereby recovered or secured shall be left with the Registrar, who shall forthwith enter the same particulars in a register in alphabetical order by the name of the person against whom the judgment is entered up or given, and shall also insert in such register the year and the day of the month when such memorandum or minute is so left with him, and the Registrar shall be entitled for any such entry to the sum of one shilling.

No judgment of the Court of Common Pleas to affect real estate until registered.

3. All judgments which shall be registered under the provisions of this Act shall, after the expiration of five years from the date of the entry thereof, be null and void against lands, tenements, and other hereditaments, as to purchasers, mortgagees, or judgment creditors unless a like memorandum or minute as was required in the first instance is again left with the Registrar within five years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right, title, estate, or interest in or to any such purchaser or mortgagee for valuable consideration, or as to judgment creditors within five years before the confession or obtaining of such judgments, and so toties quoties at the expiration of every succeeding five years ; and the Registrar shall forthwith re-enter the same in like manner as the same was originally entered ; and he shall be entitled for re-entering such judgment to the sum of one shilling.

Judgments after 5 years from registration to be void against real estate unless a fresh memorandum is left.

Registration of Judgments Act.

Memorandum left within 5 years before any conveyance &c., shall bind purchasers, &c.

4. It shall be sufficient to bind purchasers, mortgagees, and judgment creditors if such a memorandum or minute as was required in the first instance is again left with the Registrar within five years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right, title, estate, or interest in or to any such, or the confession or obtaining of such, judgments as directed by the last preceding section of this Act, although more than five years shall have expired by effluxion of time since the last previous registration before such last-mentioned memorandum or minute was left and so toties quoties upon every re-registration.

Notice of any judgment of the Court of Common Pleas not to affect purchasers, &c., if judgment is not registered,

5. No judgment obtained or confessed in the Court of Common Pleas shall affect any lands, tenements, or hereditaments at law or in equity as to purchasers, mortgagees, or judgment creditors unless and until such a memorandum or minute as in section two of this Act mentioned shall have been left with the Registrar, any notice of any such judgment to any such purchaser, mortgagee, or judgment creditor in anywise notwithstanding.

or duly re-registered.

6. Notice of any judgment not duly re-registered shall not avail at law or in equity against purchasers, mortgagees, or judgment creditors as to lands, tenements, or hereditaments.

Judgments prior in date to this Act to be registered before 31st Decr. 1895 in order to affect real estate.

7. Any judgment obtained or confessed before the coming into operation of this Act, and which shall not be registered under the provisions of this Act on or before the thirty first day of December one thousand eight hundred and ninety five, shall not after that date affect any lands, tenements, or hereditaments as to purchasers, mortgagees or judgment creditors unless and until such memorandum or minute of such judgment as is in this Act prescribed shall be left with the Registrar, who shall forthwith enter the same in the manner by this Act directed, and shall be entitled for every such entry to the sum of one shilling; and the provisions for re-registration toties quoties in this Act contained are hereby extended and applied mutatis mutandis to judgments registered under the provisions of this section.

Extinguished judgments not hereby revived and judgments &c., not affected as between the parties thereto.

8. Nothing in this Act contained shall extend to revive or restore any judgment which shall be at any time extinguished or barred, or to affect or prejudice any judgment as between the parties thereto or their representatives or those deriving as volunteers under them.

Registration of Judgments Act.

9. In every case of execution of a judgment obtained or confessed in the Court of Common Pleas, the party entitled to execution may levy any fees paid for registering or re-registering the judgment over and above the sum recovered. Fees of registration may be levied under execution.

10. The priority existing between different judgments by reason of the difference of the dates on which they were entered up or given shall not be affected by the difference (if any) between the dates of their registration or re-registration. Priority not affected by difference between dates of registration.

11. The registration or re-registration (as the case may be) of a judgment by any person or persons entitled only to a part of the moneys thereby secured shall enure for the benefit of all or every the person or persons entitled to the remainder of such moneys notwithstanding such last-mentioned person or persons may not have registered or re-registered the judgment. Registration by one person to benefit all others interested in the same judgment.

12. Every execution issued after the coming into operation of this Act shall have printed or written thereon in plain characters the following words, namely,—“The judgment on which this execution issued should be re-registered in the Registration Office every five years.” Statement on future writs of execution.

SCHEDULE.

Date of registration.	Date of judgment.	Defendant.	Plaintiff.	Amount recovered or secured.

1893—3.

Pilgrim Place School Act.

1893—3.

An Act to authorize the Trustees of the Pilgrim Place School in the parish of Christ Church to expend the Trust Funds in founding Exhibitions at any of the Schools in this Island.

[24 January 1893.]

Preamble.

WHEREAS the Pilgrim Place School in the parish of Christ Church was closed by the governing body of the said school at the end of the first term in the year 1889 on account of the insufficiency in the number of pupils attending the school, there being only four during the first term, and efforts having been made without success to secure more pupils : And whereas the land and buildings of the said school being vested in the governing body as trustees, the said trustees let the school to the Vicar of St. Bartholomew's as a residence for the sum of thirty seven pounds ten shillings per annum, and the rents being more than sufficient to keep the buildings in good order a sum of forty one pounds has accumulated from the said rents ; and whereas the trustees having this sum at their disposal in addition to the annual rent after setting aside a sufficient sum for the repair of the buildings are desirous of devoting the funds at their disposal to the purposes of education, and think that this object can be best achieved by founding exhibitions at any of the schools of this Island : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Pilgrim Place School Act, 1893.

Governing body authorized to endow exhibitions out of the net rents and profits at their disposal.

2. It shall be lawful for the trustees of the Pilgrim Place School in the parish of Christ Church to expend such part of the trust funds arising from the rents and profits of the said school as remain, after providing in each year for keeping the buildings in good order, in endowing exhibitions at such schools in the Island as the trustees may select and to be awarded according to rules and regulations to be made by the trustees as they may from time to time think fit and proper ; provided always that any exhibition so endowed shall be competed for by any boy who, if the said school had remained open, might have competed for any parochial exhibition tenable at the said school.

1893—4.

Louis Bert de Lamarre (Naturalization) Act.

1893—4.

An Act to naturalize Louis Bert de Lamarre within this Island.

[18 April 1893.]

WHEREAS Louis Bert de Lamarre, a native of France, Preamble.
hath presented his humble petition to the Legislature of this
Island setting forth that he has resided nearly ten years in
this Island, and that as he intended adopting the same as his,
country he was desirous of being naturalized within the
same under the authority of the Act of the Imperial Parlia-
ment of the thirty third year of the reign of Her present
Majesty; and the said Louis Bert de Lamarre prayed in and
by his said petition that the privileges of naturalization
might be conferred on him within this Island as authorized
by the aforesaid Act of the Imperial Parliament: And
whereas the said Louis Bert de Lamarre having taken the
oath of allegiance to Her Majesty the Queen, her heirs and
successors, before his Excellency the Governor, it is deemed
just and expedient that the prayer of his said petition
should be granted: Be it therefore enacted by the Governor,
Council, and Assembly of this Island, and by the authority
of the same, as follows:—

1. This Act may be cited as the Louis Bert de Lamarre Short title.
(Naturalization) Act 1893.

2. From and after the passing of this Act the said Louis Naturalization of
Bert de Lamarre shall within this Island have and enjoy all L. B. de Lamarre
the rights and capacities which a natural born subject of the within the Is-
United Kingdom can enjoy or transmit within the same. land.

1893—5.

*An Act to declare the Spanish, Mexican, and Columbian
Dollar not a Legal Tender in this Island.*

[25 April 1893.]

BE it enacted by the Governor, Council, and Assembly of
this Island, and by the authority of the same, as follows:

1. This Act may be cited as the Demonetization (Span- Short title.
ish, Mexican, and Columbian Dollar) Act 1893.

Demonetization (Spanish, &c., Dollar) Act.

Demonetization
of dollar.

2. In all payments to be made in any part of this Island, tender of payment in the Spanish, Mexican, or Columbian silver coins called dollars shall not be deemed and taken as legal tender.

Dollar to mean
four shillings
and two pence.

3. Where in any contract, undertaking, or agreement for the payment of money entered into either before or after the passing of this Act, any sum or amount is expressed in dollars, the term dollar shall be deemed and taken to mean the sum of four shillings and two pence of British money.

1894—1.

An Act to vest certain property given and bequeathed by the late Rowland Bulkeley under his will for certain Charitable Purposes in the parish of Saint George in this Island, which have failed, in the Vestry for the time being of the said parish and their successors in office, and to authorize the said Vestry to apply the Annual Income of the said trust property in accordance with a certain Scheme which they have prepared.

[12 June 1894.]

Preamble.

WHEREAS the Rector and Vestry of the parish of Saint George have by their petition to the Legislature of this Island represented, amongst other things, that John Elliott late of the said parish and Island, deceased, made his last will dated the eighth day of October one thousand six hundred and eighty one, whereby amongst other things he gave and bequeathed unto the said parish the sum of five hundred pounds to be paid to the Vestry of the said parish for and towards the building of a free school in the said parish upon the land laid out or designed for that purpose in such manner and form as by a certain writing under his hand appointed: that Rowland Bulkeley also late of the said parish of Saint George, deceased, made his last will dated the sixth day of November one thousand six hundred and eighty six, whereby, amongst other things, after reciting that five hundred pounds had been given by the said John Elliott towards the building of a school house in the said parish, that the said sum had been expended on the work but it had been found insufficient and he had himself expended a like sum of five hundred pounds in completing it, the testator gave and bequeathed for the preservation of

Will of John
Elliott dated 8
Oct. 1681 giving
£500 for building
a free school.

Will of R. Bulkeley dated 6 Nov. 1686 reciting that he had expended £500 in completing the school, and giving an annuity of £20 currency for repairs, and the site of the school house.

Bulkeley Trust Fund (St. George's) Act.

the said school house the yearly sum of twenty pounds then current money of this Island forever to issue and be payable out of his plantation Bulkeley and yearly to be expended upon such repairs according to the discretion and appointment of his executors, together also with a piece of land containing by estimation five acres on which the said school house then stood on condition that his executors or the majority of them might have from time to time the nomination and election of the school master as the post became vacant and the power and liberty of displacing such an one as should appear to them incapable or unfit to act: that there was nothing on record to show what occurred or what was done in connection with the above bequest between the death of the said Rowland Bulkeley and the year one thousand eight hundred and twelve: that in that year there being heavy arrears of the annuity unpaid a suit in Chancery was instituted in which the honourable John Beckles the then Attorney General of the Island on behalf and at the relation of the Rector, Warden, and Vestry of the said parish of Saint George was informant, and Thomas Clarke Trotman then the owner of the said Bulkeley plantation was defendant, in the said suit a decree was passed by consent of the parties which ordered, — (1) that the will of Rowland Bulkeley should be carried into effect so far as related to the charitable intention of the testator respecting the said five acres of land and the said annuity of twenty pounds to be appropriated for the uses and purposes in the will mentioned; (2) that the said five acres of land should be held by the then Rector, Warden, and Vestry, and all future Rectors, Wardens, and Vestries, of the said parish for the purpose of carrying the charitable intention of the testator into effect; (3) that the defendant should retain in his hands three hundred and thirty three pounds six shillings and eight pence sterling out of the sum of one thousand five hundred pounds sterling admitted by him to be left in his hands for the purpose of paying the arrears of the said annuity in order to satisfy the said annuity of twenty pounds as the same should become due; (4) that the defendant should within twelve months after the passing of a decree pay to the Vestry so much of the remainder of the said sum of one thousand five hundred pounds with interest after deducting the costs of the suit; (5) that out of the remainder of the said sum of one thousand five hundred pounds the costs of the complainant should be paid by the Vestry and the surplus or balance thereof should be from time to time used, laid out, and employed as well by the then Rector, Warden, and Ves-

Decree of the
Court of Chan-
cery in 1812.

Bulkeley Trust Fund (St. George's) Act.

try as all future Rectors, Wardens, and Vestries in such manner as they should deem most fit and expedient and necessary for the purpose of fully carrying into effect and completing the charitable intention of the testator ; (6) that the said Bulkeley plantation should remain charged with the said payment of the said annuity of twenty pounds and also of the said principal sum of three hundred and thirty three pounds six shillings and eight pence so retained as aforesaid by the said Thomas Clarke Trotman as a fund to satisfy the said annuity ; (7) that the Vestry should have a perpetual decree for the said annuity as it should become due, and in default of payment the same should be levied on the plantation &c. ; and (8) that the Vestry and all future Vestries of the said parish should have full power from time to time to appoint proper masters and teachers and such a number of scholars as they might think proper to be instructed in reading, writing, and arithmetic, and other useful and instructive attainments, and to make such rules and regulations as they might from time to time think fit and proper in the premises for the purpose of fully carrying into effect the intention of the said testator : that it appeared from the minutes of the Vestry of the said parish that on the twenty second day of April one thousand eight hundred and thirteen a meeting of the Vestry was held and it is stated in the minutes that it was at this meeting ordered and directed that the sum of one thousand one hundred pounds currency (equal to seven hundred and five pounds two shillings and six pence sterling) remaining in the said plantation Bulkeley, then the property of Thomas Clarke Trotman, be fixed and continued in the said plantation for so long a time as the proprietor might think proper until it should be called for by the Rector, Warden, and Vestry of the said parish for the use of the said parish, and that the aforesaid five acres of land be leased for the term of twenty one years commencing from the twenty fifth day of March one thousand eight hundred and thirteen at the rate of twelve pounds currency per annum to the said Thomas Clarke Trotman, the then owner of the said Bulkeley plantation ; that the interest of the said sum of one thousand one hundred pounds currency with the said rent of twelve pounds currency and the aforesaid annuity of twenty pounds currency making together the sum of ninety eight pounds currency was to be paid by the aforesaid Thomas Clarke Trotman to the said parish of Saint George : that it was believed that the school house referred to in the said will of the said Rowland Bulkeley which was built on the said five acres of land was destroyed

Subsequent history of the trust property and of its application.

Bulkeley Trust Fund (St. George's) Act.

in the hurricane of one thousand seven hundred and eighty : that another school house was built in the year one thousand eight hundred and eighteen on other lands belonging to the parish near the parish church to which school certain boys provided for under the will of one Francis Butcher were sent as well as other boys belonging to the parish : that this school and a school for girls were maintained and carried on at the expense of the parish up to the year one thousand eight hundred and seventy eight, and during this period the income derived from the Bulkeley trust fund and the income from the Butcher trust fund were applied along with other moneys raised by taxation in the parish in maintaining and carrying on the schools : that in the meantime the fund in Bulkeley had increased from one thousand four hundred and thirty three pounds six shillings and eight pence currency (made up of the aforesaid sums of three hundred and thirty three pounds six shillings and eight pence and one thousand one hundred pounds) to one thousand six hundred and thirty three pounds six shillings and eight pence currency, and in the year one thousand eight hundred and sixty six when the said plantation was sold to Mr. John Phillips Mason it was conveyed to him subject amongst other liens to this sum of one thousand six hundred and sixty three pounds six shillings and eight pence currency equal to one thousand and sixty six pounds three shillings and one penny sterling (in the conveyance stated to be one thousand and sixty six pounds four shillings and nine pence sterling) : that there was nothing in the parish books to show how the amount was increased but on a black board in the parish church there is a memorandum written as follows :—“An annuity of £20 payable for ever from “Bulkeley plantation and five acres of land rented on lease “to the owner of the said estate is left to this parish “by the will of Rowland Bulkeley, Esquire, also £1,100 “currency being the accumulated interest from the non- “payment of the above donations is now placed, with £200 “currency given by Mrs. Margaret Salter, deceased, for girls “and £30 given by Lord Harewood for a girls’ school, in “the hands of Thomas Clarke Trotman present owner of “the said Bulkeley estate the lawful interest of the said “£1330 paid yearly for the support of a school for boys “and girls of St. George’s parish” : that there was no date fixed to this memorandum nor was there anything to show how and when the said sums of two hundred pounds and thirty pounds were given by Mrs. Salter and Lord Harewood : that the income of the whole trust property was applied up to the year one thousand eight hundred and

Bulkeley Trust Fund (St. George's) Act.

seventy eight towards the maintenance of the school of the parish and in assisting certain of the pupils of the school, but that in one thousand eight hundred and seventy eight the Education Act was passed under which provision was made for educational purposes generally throughout the Island, and as St. George's parish school came under the general scheme of education then established the income from the Bulkeley trust fund was no longer required for the purposes of the said parish school and ceased to be applied for those purposes: that by an Act of the Legislature of this Island passed on the tenth day of March one thousand eight hundred and eighty two the Vestry of the parish of Saint George were authorised (inter alia) to sell the said five acres of land and to hold the money realised by the sale thereof for educational purposes in the said parish, and until the application of the same by the said Vestry for such purposes the said Vestry were to annually apply the interest and income of such money at the rate of six pounds per cent. per annum for educational purposes in the said parish: that the five acres of land have never been sold under the authority of the last-mentioned Act and the same are now let to the proprietors of Carmichael's estate in the said parish: that the property which the Vestry now have under their control belonging to the trust after paying necessary legal charges and expenses consists of (1) one thousand and sixty six pounds four shillings and nine pence sterling invested in Bulkeley, (2) one thousand two hundred pounds made up of interest and rents accumulated since the income of the trust fund ceased to be applied as aforesaid, and (3) the said five acres of land: that since the year one thousand eight hundred and seventy eight when the Education Act was passed as aforesaid the various Vestries of the parish appear to have been unable to decide how the money ought to be applied and thus the income of the trust property has been accumulated as hereinbefore mentioned: that the matter seems to have been discussed from time to time and various proposals made for the application of the money but as it always appeared doubtful whether there was sufficient authority to expend the money in the manner proposed nothing definite was ever settled; that it was estimated that the annual income of the trust property will in future be as follows, interest at five per cent. on one thousand and sixty-six pounds four shillings and nine pence in Bulkeley—fifty three pounds; interest at five per cent. on one thousand two hundred pounds to be invested—sixty pounds; and rent of five acres of land or annual interest of moneys which may be realised by the sale of the said land

Trust property now under control of the Vestry.

Bulkeley Trust Fund (St. George's) Act.

and invested—twenty-one pounds; making a total of one hundred and thirty four pounds; that it was proposed by the petitioners that the annual income should be applied by the Vestry for the time being of the said parish in accordance with the following scheme, namely;

(a.) fourteen pounds per annum to be appropriated to paying the school fees at the elementary schools in the said parish of Saint George of a certain number of poor children belonging to the said parish to be selected each year by the Vestry for the time being; Proposed scheme for the application of the income thereof.

(b) one hundred and twenty pounds per annum to be applied in founding eight exhibitions of the annual value of fifteen pounds each (six for boys and two for girls) to be held at any first or second grade school in the Island at the option in each year of the parents or guardian of the boy or girl who may be elected to an exhibition;

(c) these exhibitions to be open only to the children of parents in poor circumstances having a settlement in the parish or liable to be rated there, the exhibitioners to be elected by the Vestry, and each exhibitioner to be entitled to hold his or her exhibition so long as he or she shall remain a pupil at any school which has been chosen for him or her by his or her parents or guardian, but under no circumstances is any pupil to retain an exhibition after he or she has attained the age of eighteen years or longer than the end of the term in the course of which he or she shall attain that age: no boy or girl to be eligible to an exhibition who is over thirteen years of age. All the exhibitions to be held subject to such rules and regulations not inconsistent with the provisions of this scheme as the Vestry may from time to time think fit to make:

(d) one year's income of the trust property, namely, one hundred and thirty four pounds, to be set aside and deposited at interest in the Government Savings Bank of this Island as a reserve fund to be resorted to for payment of the exhibitions in the event of there being any interruption in any particular year in receipts of the full income of the trust property. Should recourse be had to this reserve fund and the whole or any part of it be used for keeping up the exhibitions then the reserve fund must be made good as soon as possible out of the income of the trust property until such reserve fund shall again reach the sum of one hundred and thirty four pounds, and for this purpose when any of the

Bulkeley Trust Fund (St. George's) Act.

exhibitions become vacant no new appointment shall be made, but the income so falling in shall be appropriated to the renewal of the reserve fund and as soon as the full amount of one hundred and thirty four pounds has been thus collected and made good the vacant exhibitions shall be again filled up; that the petitioners were advised that it was necessary for them to apply to the Legislature of the Island for an Act vesting the said sum of one thousand and sixty six pounds four shillings and nine pence invested in Bulkeley and the securities for the same, and the said sum of one thousand two hundred pounds in the Colonial Bank and Savings Bank, and the aforesaid five acres of land, now let to the proprietors of Carmichael's estate, in the Vestry for the time being of the said parish of Saint George and their successors in office, and authorising the Vestry for the time being of the said parish and their successors in office to apply the income of the said trust moneys realised by the sale of the said five acres of land when and as the same shall be sold under the authority aforesaid, or the rents and profits of the same until so sold, in accordance with the provisions of the scheme hereinbefore set forth; and the petitioners in and by their said petition prayed the Legislature to pass an Act vesting the aforesaid trust moneys and property in the Vestry for the time being of the said parish of Saint George and their successors in office, and authorising the Vestry for the time being of the said parish and their successors in office to apply and dispose of the annual income of the moneys realised by the sale of the said five acres of land, when and as the same may be sold under the authority aforesaid, or the rents and profits of the same until so sold, for the purposes and in the manner proposed in the aforementioned scheme; And whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Bulkeley Trust Fund (St. George's) Act, 1894.

Trust funds and estate vested in the Vestry of the said parish.

2. Immediately on the passing of this Act the said two sums of one thousand and sixty six pounds four shillings and nine pence, and one thousand two hundred pounds, and the securities for the same, and the said five acres of land hereditaments and premises, shall respectively vest and the same are hereby vested in the Vestry for the time being of the parish of Saint George and their successors in office upon the trusts and for the purposes hereinafter declared concerning the same.

Bulkeley Trust Fund (St. George's) Act.

3. The said Vestry are hereby authorised and empowered to apply the income of the said two sums of money and also the income of the moneys realised by the sale of the said five acres of land authorised to be sold as aforesaid, when and as the same shall be sold, or the rents and profits thereof until sold, in accordance with the provisions of the scheme hereinbefore in the preamble to this Act set forth.

Application of the income of the trust funds &c.

4. It shall be lawful for the said Vestry to make such rules and regulations for the exhibitions to be established under the said scheme not inconsistent with the provisions of the same as they may from time to time think fit.

Rules and regulations for exhibitions.

5. The said Vestry are hereby authorised out of any moneys which they now have or which may hereafter come to their hands to pay the costs and expenses of preparing and passing this Act or incident thereto.

Costs and expenses of this Act.

An Act to vest two several Sums of Money and Securities in the Rector, Churchwarden, and Parochial Treasurer for the time being respectively of the parish of Saint George in this Island, upon certain Trusts of the Will of Francis Butcher, late of this Island, deceased, and to make other provisions with respect to the same trust funds.

[13 June 1894.]

WHEREAS the Reverend George William Sisnett, Rector of the parish of Saint George, Thomas Forster Pilgrim of the same parish, esquire, and George O'Donnell Walton of the same parish, esquire, doctor of medicine, have by their humble petition to the Legislature of this Island represented that Francis Butcher, late of the said parish, deceased, by his last will dated the twenty fifth day of April, one thousand seven hundred and seventy seven (amongst other things) directed that his executors and trustees, thereafter named, should immediately on his decease place one thousand pounds late current money of this Island, (equal to the sum of six hundred and forty-one pounds and sixpence, sterling,) in good and absolute hands, and take security for the same in their names, and that his trustees or the major part of them should pay and apply the interest thereof for ever in the clothing, education, and maintenance of six poor boys of

Preamble.

Will of F. Butcher dated 25 April 1777 giving £641 0. 6. to trustees for the clothing education and maintenance of 6 poor boys of the parish of St. George.

Butcher Trust Fund (St. George's) Act.

Power of appointing new trustees.

the said parish of Saint George, to be elected and nominated from time to time by his trustees, so that there should be at all times six poor boys of the said parish continually clothed, educated, and maintained, and the testator appointed the honourable Samuel Rous, Benjamin Alleyne Cox, Francis Grant, and John Edward Hollinside, executors and trustees of the said will, and he declared that to the intent that there might at all times be a succession of trustees for executing the trusts thereby created it was his will that upon the death of one or more of the said trustees it should be lawful for the survivors of them or the major part of such survivors to nominate and appoint under their hands and seals one or more new trustees for the purposes aforesaid to keep up the number of five trustees with the like power to them and such new trustees in case of their deaths to fill and keep up the said number who should all of them have the like power and authority to act in the aforesaid several trusts as fully as if such new or other trustees had been actually named by him, and he directed that the said trustees should not be answerable for one another but each for himself and his own acts only and for such sum or sums of money only as they might, respectively, actually receive and should not be answerable for any security taken for the said trust money, and further that the said trustees might from time to time out of the trust moneys reimburse themselves all such charges and expenses as they should be put to by reason of the trust thereby reposed in them: that the testator made a codicil to his said will but he did not thereby alter or revoke the charitable bequest set forth above and shortly after the date of the said codicil he died and the said will and codicil were duly proved and recorded in the Colonial Secretary's Office in this Island; that by indenture dated the sixth day of February one thousand eight hundred and twenty three and made between William Thomas Cox of the one part and the Reverend William Lake Pinder the then Rector of the said parish of Saint George, Thomas Drake Barker, Conrad Pile, John Henry Nurse, and the said William Thomas Cox (the then trustees of the said will, all of whom have long since died) of the other part, the sugar work plantation called "Golden Ridge" in the said parish of Saint George was granted and assured unto and to the use of the said parties thereto of the second part and their successors as trustees of the said will for and during the term of five thousand years for securing to them and their successors, trustees as aforesaid, the payment of the said sum of one thousand pounds late currency

6 Feb 1823 trust fund invested on security of a term of 5000 years in "Golden Ridge" plantation.

Butcher Trust Fund (St. George's) Act.

(equal to six hundred and forty one pounds and six pence sterling) with lawful interest thereon : that in the month of July one thousand eight hundred and eighty seven a bill in Chancery was filed against the said Golden Ridge plantation and it was carried on and worked in the court up to the twenty sixth day of April one thousand eight hundred and eighty nine when it was purchased by John Mayers the present owner : that when the said plantation was put in Chancery as aforesaid there were four other persons alleged to be trustees of the said fund besides the said George William Sisnett the then Rector of the said parish, namely, William Brandford Griffith, (now Sir William Brandford Griffith) the said George O'Donnell Walton, and Thomas Forster Pilgrim, and Samuel Sainthill, (since deceased) but those persons were not formally appointed trustees in accordance with the directions contained in the testator's will, and the said George William Sisnett as Rector of the said parish was then the only acting trustee and he alone claimed the said sum of six hundred and forty one pounds and six pence and the interest then due thereon before the Master in Chancery in the usual manner, and in the conveyance of the said plantation by the said Master to the said John Mayers the said sum of six hundred and forty one pounds and six pence is mentioned as vested in the said George William Sisnett, Rector of the said parish, and as such Rector trustee of the said will : that the interest on the said sum of six hundred and forty one pounds and six pence had been unpaid for some years before the said plantation was put in Chancery, and on the sale of the said plantation to the said John Mayers the accumulated arrears of interest were paid to the said George William Sisnett and deposited in the Colonial Bank in the names of the petitioners the said George William Sisnett, Thomas Forster Pilgrim, and George O'Donnell Walton, and the said original principal sum was allowed to remain invested in the said plantation : that some time in the year one thousand eight hundred and ninety two the petitioners nominated Charles Packer of the said parish, esquire, to be a trustee of the said fund in the place of the said Samuel Sainthill deceased, but the said Charles Packer was not formally appointed under the hands and seals of the said George William Sisnett, Thomas Forster Pilgrim, and George O'Donnell Walton, and he has not in any way acted as a trustee of the said fund or intermeddled with the same : that the said Sir William Brandford Griffith has been absent from the Island for about sixteen years and so far as is known or can be ascertained did not intermeddle with the said fund or in any way act as a

No formal appointment of new trustees ever made.

The trust fund stated in a conveyance under a chancery suit in 1889 to be vested in G. W. Sisnett the Rector of the parish.

Arrears of interest paid to G. W. Sisnett and deposited in Colonial Bank.

Persons who have acted as trustees from time to time.

Butcher Trust Fund (St. George's) Act.

Present condition of the trust fund.

Desire to apply accumulated arrears of interest as principal,

and to remove the limit on the number of poor boys to be assisted and to appoint the Rector Churchwarden and Parochial Treasurer of the parish for the time being trustees of the said fund.

Necessity for an Act of the Legislature.

trustee thereof: that the said sum of six hundred and forty one pounds and sixpence and the securities for the same have never been transferred by the said George William Sisnett so as to become vested in the said Thomas Forster Pilgrim and George O'Donnell Walton or any or either of the other persons hereinbefore mentioned to have been appointed from time to time trustees thereof jointly with himself: that after providing for necessary legal expenses already incurred in connection with the administration of the said charity and the cost of the petition and this Act the trust moneys now consist of the said sum of six hundred and forty one pounds and six pence invested in the said Golden Ridge plantation and the sum of two hundred and twenty eight pounds eleven shillings and three pence in the Colonial Bank: that it was proposed that the said sum of two hundred and twenty eight pounds eleven shillings and three pence the accumulated arrears of interest aforesaid should be treated as principal and invested and the annual income thereof only applied along with the annual income of the said original principal sum of six hundred and forty one pounds and six pence for the purposes of the said charity, and that instead of the number of poor boys to be assisted being limited to six the trustees for the time being of the charity should be authorised to aid so many boys each year as in their opinion may safely be assisted by means of the increased annual income at their disposal: that in order to avoid the continual expense of appointing new trustees of the charity and perpetual dealings with the trust fund and the securities for the same on each appointment it is proposed that the said sum of six hundred and forty one pounds and six pence and the securities for the same and the said sum of two hundred and twenty eight pounds eleven shillings and three pence should be vested in the Rector, Churchwarden, and Parochial Treasurer for the time being of the said parish and their successors in office and be held by them upon the trusts declared concerning the said charity in the said will of the said Francis Butcher, with power to the trustees for the time being to increase in their discretion the number of poor boys to be assisted with the income of the fund in the manner directed by the said testator in his will: that the petitioner, the said George William Sisnett, the present Rector of the parish of Saint George, John Phillips Mason, the present Churchwarden of the said parish, and John Mason, the present Parochial Treasurer of the said parish, are willing to accept the trusts of the said fund: that the petitioners were advised that it was necessary for them to apply to the Legislature for an

Butcher Trust Fund (St. George's) Act.

Act to carry into effect the changes which it is now proposed should be made in connection with the aforesaid charity; and the petitioners in and by their said petition prayed the Legislature to pass an Act vesting the said sum of six hundred and forty one pounds and sixpence and the securities for the same and the said sum of two hundred and twenty eight pounds eleven shillings and three pence, in the said George William Sisnett, Rector of the said parish of Saint George, John Phillips Mason, Churchwarden of the same parish, and John Mason, Parochial Treasurer of the same parish, and their successors in office, (so long as such persons shall hold the said offices respectively) upon the trusts and for the charitable purposes declared in the will of the said Francis Butcher concerning the original principal sum of six hundred and forty one pounds and sixpence, and declaring that the said sum of two hundred and twenty eight pounds eleven shillings and three pence shall be treated as principal and invested, and the annual income thereof applied for the same charitable purposes and in the same manner as the annual income of the said sum of six hundred and forty one pounds and sixpence, and declaring that it shall be lawful for the trustees for the time being of the said trust fund to assist as many poor boys of the said parish as in their opinion may safely be assisted each year out of the annual income of the said trust fund instead of being restricted to six, (the number mentioned in the said will) and also declaring that the petitioners the said Thomas Forster Pilgrim and George O'Donnell Walton on their duty and properly accounting with the said George William Sisnett, and John Phillips Mason, and John Mason, for any of the aforesaid trust moneys which may have come to their hands shall be free from all liability on account or by reason of their having acted in any way as trustees of the said charity; And whereas it is deemed expedient to grant the prayer of the said petition:

BE it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Butcher Trust Fund Short title. (St. George's) Act, 1894.

2. The said sum of six hundred and forty one pounds and six pence and the interest thereof and the securities therefor and the said sum of two hundred and twenty eight pounds eleven shillings and threepence shall respect-

Trustfunds vested in the present Rector Churchwarden and Parochial Trea-

Butcher Trust Fund (St. George's) Act.

sureur and their successors in office.

ively vest and they are hereby declared to be vested in the said George William Sisnett, John Phillips Mason, and John Mason, the present Rector, Churchwarden, and Parochial Treasurer respectively of the parish of Saint George in this Island and the persons who shall from time to time be the Rector, Churchwarden, and Parochial Treasurer of the said parish (so long as such persons shall hold the said offices respectively) upon the trusts and for the charitable purposes declared in the will of the said Francis Butcher deceased concerning the original principal sum of six hundred and forty one pounds and sixpence.

Arrears of income hitherto accumulated to be treated as principal.

3. The said sum of two hundred and twenty eight pounds eleven shillings and threepence shall be treated as principal and invested, and the income thereof applied for the same charitable purposes and in the same manner as the annual income of the said sum of six hundred and forty one pounds and sixpence.

Trust funds on any change of office holder to vest in his successor without a deed being necessary. Outgoing trustee to account.

4. The said two several sums and interest and securities shall from time to time and immediately on any change occurring in the person or persons holding one or all of the said offices become vested in the persons who may be the holders of such offices for the time being without any deed assigning or conveying the same to them, and on their ceasing respectively to hold such offices no deed divesting them of the same shall be necessary; and when and as any person or persons respectively shall respectively cease to hold such office or offices, he or they shall duly account with the trustee or trustees for the time being for any part of the moneys and interest which may have come to his or their hands and possession and which may be then unaccounted for by him or them.

Discretion of trustees as to number of poor boys to be assisted.

5. It shall be lawful for the trustees for the time being of the said trust fund to assist as many poor boys of the said parish as in their opinion may safely be assisted each year out of the annual income of the said trust funds instead of being restricted to six (the number mentioned in the said will.)

Discharge of T. F. Pilgrim and G. O'D. Walton.

6. On the said Thomas Forster Pilgrim and George O'Donnel Walton duly and properly accounting with the said trustees for any of the aforesaid trust moneys which may have come to their hands they shall be free from all liability on account or by reason of their having in any way acted as trustees of the said charity.

Butcher Trust Fund (St. George's) Act.

7. It shall be lawful for the trustees for the time being of the said trust fund and they are hereby empowered from time to time to make rules and regulations for the management of the said trust fund so as the same be not inconsistent with the terms of the will of the said Francis Butcher, or the provisions of this Act.

Regulations for
the management
of the trust
fund.

An Act for regulating the Examination, Registration, and practice of Druggists.

[15 June 1894.]

WHEREAS it is expedient for the safety of the public that persons exercising the business or calling of druggists in this Island should possess a competent practical knowledge of pharmacy and other branches of useful knowledge: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the Drug-Short title.
gists Act, 1894.

2. In this Act unless the context otherwise requires: Interpretation.

(1.) The expression "druggist" means a person admitted and entitled to exercise the business or calling of a druggist or compounder and dispenser of medicine in this Island;

(2.) The expression "practising druggist" means any person actually exercising the business or calling of a druggist in this Island;

(3.) The expression "apprentice" means a person bound under articles of apprenticeship to a practising druggist;

(4.) The expression "clerk" means a person who shall before the passing of this Act have been engaged by a druggist to compound and dispense medicine;

(5.) The expression "medical practitioner" means any person registered under the Medical Registration Act 1911, and actually practising in his profession;

(6.) The expression "medical assessor" means the persons appointed as medical assessors under the Medical Registration Act 1911.

Druggists Act.

(7.) The expression “the Registrar” means the Registrar of this Island or his lawful deputy ;

(8.) The expression “the preliminary examination” means an examination in general knowledge of persons desirous of becoming apprentices ;

(9.) The expression “the intermediate examination” means an examination of apprentices, held in order to ascertain the progress made by such apprentices during their articles in acquiring the knowledge necessary to render them fit and capable to act as druggists ;

(10.) The expression “the final examination” means an examination of persons applying to be admitted as druggists as well touching the articles and service as the fitness and capacity of such persons to act as druggists in all business and matters usually transacted by druggists.

Qualifications
required for
druggists.

3. Subject to the exemptions, exceptions, and qualifications hereinafter contained, no person shall, after the passing of this Act, be entitled to be admitted as a druggist, who has not passed the preliminary examination, the intermediate examination, and the final examination, and has not served as an apprentice for three years.

Druggists' regis-
ter.

4. Immediately on the commencement of this Act the Registrar shall prepare a list of all persons who may satisfy him that they are twenty one years of age and that they have for three consecutive years at any time prior to the passing of this Act been exercising the business or calling of druggists in this Island, according to the dates upon which they respectively commenced to do so ; provided that the time which has elapsed between the time they have been exercising such business or calling and the passing of this Act shall not exceed a period of three years. The list when prepared shall be entered by the Registrar in a suitable book of record to be kept in his office, to be called the “Druggists' Register,” and the persons whose names appear on this register shall be deemed to be druggists within the meaning of this Act ; and the name of every druggist thereafter admitted shall be at once entered by the Registrar in the said register, together with the date of his admission. The Inspector General of Police, the Inspector or Sub-Inspector of Police, every medical practitioner, and every druggist or apprentice or clerk may inspect the register without fee, and every other person on payment of a fee of one shilling.

Who may in-
spect it.

Druggists Act.

5. Every person duly admitted and at the time being entitled to exercise the business or calling of a pharmaceutical chemist in Great Britain or Ireland shall, on satisfying the Registrar to that effect, be entitled to have his name inserted in the Druggists' Register, together with the date of his admission in this Island, and thereafter shall be competent to exercise the business or calling of a druggist in this Island in as full and ample a manner as any druggist admitted in this Island after the passing of this Act.

Who exempt from examination and apprenticeship.

6. (1.) Except as hereinafter provided the provisions of this Act respecting service under articles and examination shall not affect or relate to any persons who may have been clerks for three years prior to the passing of this Act, but all such persons shall if they are twenty one years of age be entitled to be admitted as druggists, and when admitted, to have their names inserted in the Druggists' Register in the same manner in all respects as if this Act had not passed; provided always that no person shall be entitled under this subsection to be admitted as a druggist or have his name inserted in the Druggists' Register after the eighth day of June one thousand eight hundred and ninety five.

Exception as to clerks serving at the date of this Act.

(2.) Every clerk serving, or who has served, with a druggist and who at the time of the passing of this Act has not undergone three years' service, shall, before he is entitled to be admitted, pass the final examination and show that he is twenty one years of age.

7. Subject to the provisions hereinafter contained, the medical assessors shall have power from time to time to make regulations with respect to the preliminary examination, the intermediate examination, and the final examination of candidates, and with respect to all or any of the following matters relating thereto, that is to say:

Regulations as to examinations to be made by the medical assessors.

(1.) With respect to the subjects and books for and the mode of conducting the examination of candidates;

(2.) With respect to the times and places of examination and the notices of examinations;

(3.) With respect to the certificates to be given to persons of their having passed any examination;

(4.) With respect to the diploma to be granted on registration;

(5.) With respect to the appointment or removal of examiner;

Druggists Act.

(6.) With respect to all other matters or things whatsoever relating to the examinations, as to which they may think it expedient to make regulations.

Provisions as to examinations.

8. The following provisions shall have effect with respect to the preliminary examination, the intermediate examination, and the final examination, that is to say ;

(1.) The examination shall be held, if there be any persons offering themselves as candidates, not less than once nor more than twice in the year.

(2.) The examination shall be conducted by means of papers of questions and viva voce.

(3.) There shall be not less than two examiners in the case of the preliminary examination ; and in the cases of the intermediate examination and the final examination there shall be not less than three examiners, of whom one at least shall be a qualified medical practitioner and one at least a practising druggist.

(4.) No candidate shall be entitled to a certificate that he has passed the examination unless he shall have gained at least one half of the total number of marks in each of the subjects of the examination.

(5.) The names of all candidates who shall have received certificates that they have passed the examination shall be transmitted in their order of merit to the Registrar by the examiners, and the Registrar shall immediately thereafter cause them to be published in the Official Gazette in the same order.

(6.) Each candidate shall be required to pay a fee of ten shillings for the preliminary examination, a fee of ten shillings for the intermediate examination, and a fee of twenty shillings for the final examination.

(7.) In case of failure a candidate may offer himself a second time for examination, without the payment of any additional fee.

Apprentices' Register.

9. On any person producing to the Registrar a certificate that he has passed the preliminary examination, the Registrar shall enter the name of such person together with the date of the certificate in a suitable book of record to be kept in his office, to be called the "Apprentices' Register." This book may be inspected in like manner and upon similar terms as the Druggists' Register.

Who exempted from preliminary examination.

10. A certificate of having passed a preliminary examination under this Act shall not be required from any person who has passed the matriculation examination of any

Druggists Act.

British or Colonial University or College, or who has passed one of the local examinations established by the University of Oxford, or one of the non-gremial examinations established by the University of Cambridge, or the examination for the first class certificate of the College of Preceptors incorporated by Royal Charter in the year one thousand eight hundred and forty nine, or from a registered medical practitioner.

11. Any person satisfying the Registrar that he is qualified in any of the ways mentioned in the last preceding section shall be entitled to have his name, together with his qualification, inserted by the Registrar in the Apprentices' Register, and shall be entitled to the same rights and privileges as if he had passed the preliminary examination.

Names of persons so exempt may be entered in Apprentices' Register.

12. Every person whose name has been entered by the Registrar in the Apprentices' Register shall be entitled to enter into articles of apprenticeship to any practising druggist, and no other person shall be so entitled.

Who may enter into articles of apprenticeship.

13. The medical assessors may from time to time approve a form of articles of apprenticeship, and such form when so approved shall be lodged in the Registrar's Office and shall in all cases be used by druggists when taking persons to serve as their apprentices.

Form of articles.

14. As soon as any person has become duly bound under articles of apprenticeship to a druggist, he shall exhibit the said articles or cause them to be exhibited to the Registrar who shall thereupon enter in the Apprentices' Register against the name of such person the date when such articles were exhibited, and the name of the druggist to whom such person became bound, and the period of such person's service under articles of apprenticeship shall be deemed to commence at the date of such entry being made. The Registrar shall also mark such articles as having been so exhibited and entered, together with the date thereof.

Articles to be noted in Apprentices' Register.

15. Any apprentice may complete his period of service under one or more druggists, provided that on leaving any druggist to whom he was bound in articles, and becoming bound to another druggist, he shall in every case execute fresh articles of apprenticeship and shall exhibit the same to the Registrar, who shall thereupon make an entry of a similar purport as is hereinbefore provided in the Apprentices' Register, and shall also mark the articles in the manner hereinbefore mentioned; provided that before such entry

Apprentice's service may be under one or more druggists.

Druggists Act.

shall be made such apprentice shall satisfy the Registrar as to the date when his service ceased under his former articles, and the Registrar shall make an entry of such date against the entry respecting the former article.

Service intermitted for more than two years to commence again.

16. If any apprentice shall intermit at any one time more than two years in his service under articles of apprenticeship, his service under articles shall commence again *de novo* in all respects, except that he shall not be required to have his name entered afresh in the Apprentices' Register as being entitled to enter into articles of apprenticeship.

Who eligible for intermediate examination.

17. No apprentice shall be eligible as a candidate for the intermediate examination who shall not have served at least one year under articles of apprenticeship, and the examiners shall satisfy themselves by inspection of the Apprentices' Register that each candidate has fulfilled this condition, and if they think fit they may call on any candidate to produce to them satisfactory proof of the duration of his service under articles.

Exemption from examinations.

18. Any person who shall satisfy the Registrar that he is entitled to be registered under the Medical Registration Act 1911, shall be entitled to be registered as a druggist under this Act; provided that nothing in this section shall apply to any person who is at present practising as a druggist, notwithstanding that such person may already be registered as a medical practitioner.

Proviso.

Registrar to enter certificate of intermediate examination.

19. On any apprentice producing to the Registrar a certificate that he has passed the intermediate examination, the Registrar shall enter the name of such person together with the date of the certificate in the Apprentices' Register.

20. An interval of one year at least shall elapse in the case of each apprentice between the date of the intermediate examination and that of the final examination, and no apprentice shall be eligible as a candidate for the final examination until a period of three years has elapsed from the date at which he passed the preliminary examination.

Intervals between examinations.

Provided that any person who has qualified as a druggist under the law of any British Colony, and who shall prove to the satisfaction of the assessors that he has been engaged in the study and practice of the business or calling of a druggist for three years, shall be entitled to sit for both intermediate and final examinations mentioned in this Act, and shall on passing such examinations be entitled after registration to practice as a druggist under this Act. An examinee under this section shall on passing the in-

Druggists Act.

intermediate examination be at once eligible to sit for the final examination.

21. On any apprentice or clerk or such person mentioned in the last preceding section producing to the Registrar a certificate that he has passed the final examination, and a certificate that he is twenty one years of age, the Registrar shall enter the name of such person, together with the date of the certificate, in the Apprentices' Register, and every such person shall, subject to the provisions hereinafter contained, be entitled to be admitted and enrolled as a druggist.

On certificate of final examination to be enrolled as druggist.

Admission and status of druggist.

22. Every person who shall have entitled himself under the provisions of this Act to be admitted and have his name entered on the register as a druggist shall, before he shall be so admitted and have his name placed on the register, prove by the written declaration of himself and the druggist or druggists under whom he has served, to be duly made and filed with the Registrar, that he has actually and really served and been employed by such druggist or druggists during the whole time and in the manner required by this Act.

Requirements for enrolment.

23. The Registrar shall, before he shall admit any person to be a druggist, enquire whether such person has complied with the provisions of this Act, and if the Registrar shall be satisfied that such person has complied with the provisions of this Act, he shall administer or cause to be administered to such person the affirmation hereinafter directed to be taken or made by druggists, and after the making of such affirmation shall cause him to be admitted as a druggist, and his name to be entered in the Druggists' Register, and shall give him the diploma approved by the medical assessors.

Registrar on being satisfied to admit druggist.

The form of admission and enrolment and of the diploma shall be approved by the medical assessors and signed by the Registrar.

Admission and enrolment.

24. In case the Registrar shall refuse to make any entry required by this Act or to issue any diploma as aforesaid the person aggrieved by such refusal, or his attorney or agent, may make application to the Chief Justice in chambers, who shall make such order as may be just, and may also direct the costs of such application to be borne and paid by either party.

Registrar refusing to register.

Druggists Act.

Affirmation required.

25. Every person who shall in pursuance of this Act apply to be admitted as a druggist shall, on his being admitted and on his name being entered in the Druggists' Register as aforesaid, take the following affirmation :—

Form.

I, A.B. do solemnly affirm that I will truly and honestly demean myself in the practice of a druggist, according to the best of my ability.

Register to be published in Official Gazette.

26. The Registrar shall cause to be published in the Official Gazette in the month of January in every year an alphabetical list of registered druggists.

No person to practise as a druggist unless registered.

27. No person shall practise or conduct any business whatsoever as a druggist unless such person shall have first registered his name and obtained the diploma required by this Act.

Judges &c. to notice publication of druggists.

28. All Judges, Justices, and other persons concerned shall take notice of the publication of the names of registered druggists in the Official Gazette.

Miscellaneous provisions.

Medical assessors may make general regulations.

29. The medical assessors may from time to time make general regulations for the better carrying into effect the purposes of this Act, provided that no such regulations shall be inconsistent with this Act. Any regulation made under the authority of this Act may be altered or revoked by a subsequent regulation. All such regulations when made shall be transmitted to the Governor-in-Executive Committee who shall have power either to approve or disallow the same, or to refer them back for amendment or alteration, and when such regulations shall have been approved by the Governor-in-Executive Committee, they shall be filed with the Registrar and shall be published in the Official Gazette, and thereafter shall be binding on all parties concerned.

Pharmaceutical Society may conduct examinations.

30. The Governor-in-Executive Committee may at any time enter into an arrangement with the Pharmaceutical Society of Great Britain to conduct the examination of apprentices in this Island who may desire to pass the examination for the license of that Society, and may do all things necessary to carry out such arrangement. In any such event, so much of this Act as is inconsistent with the carrying into effect of any such arrangement shall stand repealed.

List of clerks serving.

31. Immediately on the passing of this Act the Registrar shall prepare a list of all persons who may then be

Druggists Act.

serving as clerks setting forth the periods of their actual service, and the names of the druggists under whom they have served.

32. (1.) No druggist shall have more than two apprentices at one and the same time, and no druggist shall take, have, or retain any apprentice after he shall have discontinued practising as or carrying on the business of a druggist, nor whilst he shall be employed or retained as an assistant or clerk by any other druggist, and service under articles to a druggist in either of these two cases shall not be deemed good service for the purposes of this Act. Number of apprentices allowed.

(2.) No druggist shall employ in the dispensing of medicines or making up of prescriptions any person not being a druggist, or apprentice, or clerk. Who may dispense medicines.

33. (1.) It shall not be lawful for any person to sell by retail any poison or drug (except such as are enumerated in the schedule or certified by the medical assessor either before or after the question is raised to be suited for insertion in the schedule), or to compound or dispense medicines for sale, or to sue for or recover in any court whatever any fee or reward for the preparation of any medicine, poison, or drug (except such as are enumerated in the schedule or certified as aforesaid) supplied, unless, at the time such poison, drug, or medicine was supplied, such person was a druggist entered on the register under the provisions of this Act; provided that nothing in this section contained shall affect the rights of the executor or administrator of any registered druggist; provided also, that nothing herein contained shall be construed to prevent a medical, dental, or veterinary practitioner from recovering the cost of medicine prescribed and furnished by him. No persons save druggists to sell by retail poisons or drugs.

(2) Drug for the purposes of this section and of the schedule means any article or thing specified in the British Pharmacopœia for the time being.

34 Any person offending against the last preceding section shall on summary conviction before a Police Magistrate forfeit and pay a sum not exceeding ten pounds, or in default be imprisoned for any term not exceeding one month. Penalty.

35. Nothing in this Act contained shall be taken to extend or apply to the sale by any person of any drug or poison to a registered druggist, or to the right of any person in this Island to sell the following articles, that is to say : Sales excepted from the Act.

Druggists Act.

- a. Patent or proprietary medicines (except such proprietary medicines as are provided for in the schedule to this Act) or homœopathic medicines in bottles or packages sealed and labelled by the makers thereof, and from which the original seals or labels have not been removed or broken ; provided always that the sale of any patent or proprietary medicine may be at any time prohibited by the Governor by proclamation, on the representation of the medical assessors that the unrestricted sale of such articles is fraught with danger to the public.
- b. Mineral or artificial waters, or the salts or other material employed in their preparation.
- c. Simple medicinal substances mentioned in the schedule to this Act.

Restrictions on dispensing of drugs &c. during druggist's absence from his shop.

36. No drug shall be dispensed or prescriptions made up or poisons sold during the absence of any druggist from his shop unless another druggist is in charge of such shop and actually in attendance therein, provided always that for the period of twelve months immediately after the passing of this Act a clerk of two years' standing may be so left in charge.

No stale or adulterated drugs to be sold.

37. No druggist having or keeping open a shop for the sale of drugs or medicines shall sell, or expose or offer for sale, any drug or medicine in a stale or unwholesome state, or in a state unfit for use, and no person shall sell, expose, or offer for sale as unadulterated any adulterated drug or medicine.

Penalty for contravening either of the two preceding sections.

38. Any person contravening sections thirty six or thirty seven of this Act shall be liable to a fine not exceeding ten pounds to be recovered in a summary manner before any Police Magistrate in this Island on the complaint of any person, and after conviction before a Police Magistrate any stale unwholesome or adulterated drugs or medicines may be ordered to be destroyed by such Police Magistrate.

Duty of druggist in respect of prescriptions.

39. Every druggist who receives a prescription, in which the maximum dose as laid down in the British Pharmacopœia of any poisonous drug has been exceeded, shall, unless such dose is specially initialled by the prescriber, immediately refer the prescription to the prescriber to be initialled before proceeding to dispense the same.

Removal of name from register.

40. (1) When any druggist, apprentice, or clerk has died or is guilty of any felony or misdemeanour, or of habitual drunkenness or incompetency in the discharge of his

Druggists Act.

duties, or shall fail to comply with such rules and regulations concerning druggists and apprentices as may be made under this Act, then and in every such case every such druggist or apprentice or clerk shall be liable to have his name struck off the register by order of the medical assessors, and the same shall be published in the Official Gazette.

(2) The medical assessors may cause an inquiry to be made into the case of any druggist or apprentice or clerk alleged to be liable to have his name struck off the register under this section, and upon proof of any such felony or misdemeanour, or of such drunkenness or incompetency or negligence as aforesaid, the name of such druggist or apprentice may be struck off the register, by order of the medical assessors.

41. Any druggist or apprentice aggrieved by any decision or act of the medical assessors in pursuance of the last hereinbefore mentioned section may appeal to the Chief Justice in chambers, who may confirm, revoke, or modify the decision of the medical assessors, and may make such order as to him may seem just. Appeal by person aggrieved.

42. If the medical assessors think fit they may in any case direct any name or names erased from the register to be restored thereon on payment of a fee not exceeding the registration fee. Restoration of name to register.

43. In the prosecution of any person for any offence committed against this Act, it shall be lawful for the medical assessors, if they see fit, to employ or instruct any barrister or solicitor to appear and prosecute for any such offence, and the cost of such prosecution including the fee paid to such barrister or solicitor shall be borne by the Public Treasury. Costs of prosecution for offences.

44. It shall be lawful for the medical assessors or any medical practitioner authorised by them to enter the shop or store of any druggist, for the purpose of inspecting the state and condition of drugs and medicines, at all reasonable and convenient hours of the day. Power for medical assessors to enter and inspect druggist's shop.

45. After the passing of this Act it shall not be lawful for any person not being duly entered on the Druggists' Register, according to the provisions of this Act, to assume or use the title of druggist in any part of this Island, or to assume, use, or exhibit any name, title, or sign implying that he is a person registered under this Act; and every person so offending shall be liable to a penalty of twenty pounds to be recovered in a summary manner before any Police Magistrate in this Island on the complaint of any person, and Penalty for using the title of druggist if not registered.

Druggists Act.

half such fine shall be paid to the informer and the other half shall be paid into the Public Treasury.

Penalty for fraud-
ulently procur-
ing a certificate
of registration.

46. If any person shall wilfully procure by any false or fraudulent means a certificate purporting to be a certificate of registration under this Act, or shall exhibit a certificate purporting to be a certificate as a druggist or apprentice registered under this Act, every person so offending shall be guilty of a misdemeanour.

Sale of alcohol
by one druggist
to another.

47. It shall be lawful for any druggist to sell to any other druggist alcohol or rectified spirits without a license, provided always that a permit be first obtained from the revenue officer of the district before such alcohol or rectified spirits be removed, and provided also that such alcohol or rectified spirits be used only in the bona fide preparation of medicines in the due course of trade.

Fees to exami-
ners how certifi-
ed and paid.

48. The fees payable to examiners and all costs incurred in carrying out the provisions of this Act shall be certified by the Registrar and shall be borne and paid by the Public Treasury on the warrant of the Governor-in-Executive Committee.

Fees payable
into Treasury.

49. All fees received under the authority of this Act or any regulations to be made thereunder, and all penalties to be recovered under this Act, shall respectively be paid into the Public Treasury.

SCHEDULE.

Bicarbonate of Soda
Carbonate of Soda
Chloride of Sodium
Alum
Chalk
White Marble
Soap
Olive Oil
Vinegar
Sugar
Honey
Mustard
Pepper
Pimento
Aniseed
Carraway Seeds
Cardamon
Figs Cloves

Sulphur
Horse Radish
Almonds
Tamarinds
Nutmegs
Ginger
Resin
Wax
Gum Acacia
Starch
Barley
Wheaten Flour
Linseed Meal
Linseed Oil
Yeast
Hops
Tobacco
Assafoetida

Druggists Act.

Castor Oil
 Epsom Salts
 Quinine and its salts
 Senna
 Cream of Tartar
 Camphor
 Ipecacuanha and Ipecacuanha Wine
 Tincture and Syrup of Squills
 Paregoric and doses affixed
 Sal Volatile
 Compound Tincture of Lavender
 Friar's Balsam
 Manna
 Rhubarb and its preparations
 Compound Jalap Powder
 Peruvian Bark
 Magnesia
 Santonine Lozenges
 Sweet Spirit of Nitre

Proprietary or other medicines or drugs certified by the medical assessors as proper to be included in this schedule and all such other articles as are used as food or drink or for flavouring food or drink ; all articles of perfumery, smelling salts, all articles used for painting, tanning, dyeing, soap making, and all other industrial arts or manufacture.

 1894—4.

An Act to vest in the Executive Committee certain lands known as the Constitution Swamp and the Reef.

[22 June 1894.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Constitution Swamp Short title. and the Reef (Vesting) Act 1894.

2. All that land abutting and bounding, on the north-
 ern side, on lands of Mrs. Brown, J. Clarke, Sisnett, Arnott,
 and other lands abutting on Constitution Road, on the
 eastern side, on lands occupied by the Barbados Railway
 Company and on lands of "Springfield" on the southern
 side, on the Constitution River and, on the western side, on
 the Bridge and delineated on a plan deposited in the Regis-

The Constitu-
 tion Swamp and
 the Reef vested
 in Executive
 Committee.

Constitution Swamp and Reef Act.

tration Office dated the 15th August 1892 and signed by T. Isley Yearwood, sworn surveyor, and described thereon as "Swamp"; and also all that land, known as the Reef, abutting and bounding on the north on Fish Alley, on the east on the properties of Chaderton, Seon, Pollard, and other lands lying between Fish Alley and the Public Market, and on the south and west on the sea, and containing by admeasurement six acres, three roods, and twenty six perches, and delineated on a plan deposited in the Registration Office, dated the 9th November 1892, and signed by T. Isley Yearwood, sworn surveyor, except the part tinted green, containing two roods and three perches, the property of the War Department, are hereby vested in the Executive Committee.

Regulations as to the said lands.

3. (1.) The Executive Committee may make rules for the regulation of the said lands, and for the days and times of admission thereto, and the preservation of order, and the prevention of nuisances therein, and for the removal therefrom of any person infringing any of such rules.

(2.) Such rules when they shall have been published in the Official Gazette shall have the force and effect of law.

(3.) Any person infringing any of such rules shall be liable to a penalty not exceeding forty shillings to be recovered in a summary manner before a Police Magistrate on the complaint of any person.

Compensation to owners of beneficial interests or rights in the said lands.

4. If any estate, interest, or right of a profitable or beneficial nature in, over, or affecting any portion of the lands hereby vested in the Executive Committee be taken from the owner thereof by this Act, such owner may within six months after the passing of this Act render to the Executive Committee a claim for compensation for the estate interest or right so taken, and the Executive Committee are hereby authorised to pay such claim if they are satisfied as to its validity and that the amount claimed is not unreasonable; but if the Executive Committee shall refuse to entertain such claim, then it shall be forwarded by the Colonial Secretary to the Assistant Court of Appeal, who shall summon before them the parties interested and finally adjudicate and determine such claim; and any amount awarded by such Court shall be paid to the claimant by the Colonial Treasurer on the certificate of one of the Judges of the Assistant Court of Appeal.

Limitation of owners remedy.

5. The remedy prescribed by this Act shall alone be available to any such owner as is referred to in the preceding section.

Constitution Swamp and Reef Act.

6. The Superintendent of Public Works shall annually inspect the said Constitution Swamp and Reef, and shall report on the condition, and once in every three years shall mark on the plan any change in the boundaries thereof.

*An Act for shortening the Language used in Acts of the Legislature.*

[7 July 1894.]

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Interpretation Act, Short title. 1894.

2. In this Act the word “ Act ” shall include a local and personal Act and a private Act. Definition of term Act.

3. (1) In this Act, and in every Act passed after the year one thousand eight hundred and fifty one, whether before or after the commencement of this Act, unless the contrary intention appears :— Interpretation of certain terms in Acts passed after 1851.

(a.) Words importing the masculine gender shall include females :

(b.) Words in the singular shall include the plural, and words in the plural shall include the singular :

(c.) The expression “ month ” shall mean calendar month :

(d.) The expression “ land ” shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure :

(e.) The expressions “ oath ” and “ affidavit ” shall in the case of persons for the time being allowed by law to affirm or declare instead of swearing include affirmation and declaration, and the expression “ swear ” shall in the like case include “ affirm ” and “ declare ” :

(f.) The expression “ parish ” shall include also any town therein :

(g.) The expression “ Governor of this Island ” or “ Governor ” shall mean the Officer administering the Government for the time being of this Island :

Interpretation Act.

Application to enactments of earlier date as to offences.

(2.) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction when the enactment is contained in an Act passed in or before the year one thousand eight hundred and fifty one.

Meaning of person in future Acts.

4. In this Act and in every Act passed after the commencement of this Act the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or un-incorporate.

Application of penal Acts to bodies corporate.

5. (1.) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression "person" shall, unless the contrary intention appears, include a body corporate.

(2) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

Section to be substantive enactment.

6. Every section of an Act shall have effect as a substantive enactment without introductory words.

All Acts to be deemed public Acts.

7. Every Act passed after the year one thousand eight hundred and fifty one, whether before or after the commencement of this Act, shall be a public Act and shall be judicially noticed as such, unless the contrary be expressly provided by the Act.

Amendment or repeal of Acts in the same session.

8. Any Act may be altered, amended, or repealed in the same session of the Legislature.

Effect of repeal in Acts passed since 1851.

9. (1) Where an Act passed after the year one thousand eight hundred and fifty one, whether before or after the commencement of this Act, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed unless words are added reviving that enactment.

(2) Where an Act passed after the year one thousand eight hundred and fifty one, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

Interpretation Act.

10. The date of the commencement of an Act, where no other commencement shall be therein provided, shall be the date on which the Governor of this Island gives his assent thereto. Date of commencement of Acts.

11. In this Act, and in every other Act, whether passed before or after the commencement of this Act, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of reproducing or representing words in a visible form. Meaning of "writing" in past and future Acts.

12. Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve" or the expression "give" or "send" or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, pre-paying, and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post. Meaning of service by post.

13. In every Act passed after the commencement of this Act, the expression "committed for trial" used in relation to any person shall, unless the contrary intention appears, mean committed to prison with the view of being tried before a judge and jury, and shall include a person who is admitted to bail upon a recognizance to appear and take his trial before a judge and jury. Meaning of committed for trial.

14. In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign reigning for the time being; and this Act shall be binding on the Crown. Reference to the Crown.

15. Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any Order in Executive Committee, order, warrant, scheme, rules, regulations, or by-laws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power. Construction of statutory rules &c.

16. (1.) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless provisions as to Construction of provisions as to

Interpretation Act.

exercise of powers and duties. the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2.) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such, then unless the contrary intention appears the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3.) Where an Act passed after the commencement of this Act confers a power to make any rules, regulations, or bye-laws, the power shall, unless the contrary intention appears, be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, or vary the rules, regulations, or bye-laws.

Provisions as to offences under two or more laws.

17. Where an act or omission constitutes an offence under two or more Acts, or both under an Act and at common law, whether any such Act was passed before or after the commencement of this Act, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same offence.

Measurement of distances.

18. In the measurement of any distance for the purposes of any Act passed after the commencement of this Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Numbering of Acts.

19. All Acts of this Island which are passed in one and the same year shall be numbered consecutively according to their respective dates, the Act first in date in each year being numbered one, and so on consecutively upwards in each year, and every Act once so numbered shall retain its number notwithstanding any subsequent repeal of any prior Act of the same year.

Citation of Acts.

20. (1) In any Act, instrument, or document, an Act may be cited by reference to the short title, if any, of the Act, or by stating in letters or numerals the year of its passing and its number, and any enactment may be cited by reference to the section or subsection of the Act in which the enactment is contained.

(2) In any Act passed after the commencement of this Act a description or citation of a portion of another Act shall, unless the contrary intention appears, be con-

Interpretation Act.

strued as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

21. (1) In this Act, and in every Act passed either before or after the commencement of this Act, the expression “commencement” when used with reference to an Act, shall mean the time at which the Act comes into operation.

Meaning of commencement.

(2) Where an Act passed after the commencement of this Act, or any Order in Executive Council or Executive Committee, order, warrant, scheme, rules, regulations, or by-laws made, granted, or issued under a power conferred by any such Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

22. Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any Order in Executive Council, or in Executive Committee, order, warrant, scheme, rules, regulations, or by-laws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

Exercise of statutory powers between passing and commencement of Act.

23. No provision of a general nature contained in any consolidation Act shall by reason of its later date be deemed by implication to repeal any enactment of an earlier date providing for a specified class of cases.

General provisions in a consolidation Act not to repeal previous special provisions.

24. (1) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

Effect of repeal in future Acts.

(2) Where this Act or any Act passed after the commencement of this Act repeals any other enactment,

Interpretation Act.

then, unless the contrary intention appears, the repeal shall not

(a) revive anything not in force or existing at the time at which the repeal takes effect ; or

(b) affect the previous operation of any enactment so repealed, or anything duly done or suffered under any enactment so repealed ; or

(c) affect any right, privilege, obligation or liability, acquired, accrued, or incurred under any enactment so repealed ; or

(d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(e) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal, proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed as if the repealing Act had not been passed.

Saving for past Acts.

25. The provisions of this Act respecting the construction of Acts passed after the commencement of this Act shall not affect the construction of any Act passed before the commencement of this Act although it is continued or amended by an Act passed after such commencement.

An Act to amend the Law with respect to the sale of Agricultural Fertilizers and Feeding Stuffs.

[10 July 1894.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Fertilizers and Feeding Stuffs Act, 1894.

Warranty on sale of fertilizer.

2. (1) Every person who sells for use as a fertilizer of the soil any article manufactured or compounded in the Island or imported from abroad shall give to the purchaser a bill of parcels stating the name of the article and whether it is an artificially compounded article or not and what is at

Fertilizers and Feeding Stuffs Act.

least the percentage of nitrogen, soluble and insoluble phosphates, and potash, if any, contained in the article, and this bill of parcels shall have effect as a warranty by the seller of the statements contained therein.

(2) For the purposes of this section any article shall be deemed to be manufactured if it has been subjected to any artificial process.

(3) This section (except in the case of samples which may be of any weight) shall not apply to a sale where the whole amount sold at the same time weighs less than half a hundred weight.

3. (1) Every person who sells for use as food for cattle any article which has been artificially prepared shall give to the purchaser a bill of parcels stating the name of the article and whether it has been prepared from one substance or seed or from more than one substance or seed, and if prepared from more than one substance or seed, the proportions of the several constituents (so far as practicable); and this bill of parcels shall have effect as a warranty by the seller of the statements contained therein. Warranty on sale of feeding stuff.

(2) Where any article sold for use as food for cattle is sold under a name or description implying that it is prepared from any particular substance or from any two or more particular substances or is the product of any particular seed or of any two or more particular seeds and without any indication that it is mixed or compounded with any other substance or seed, there shall be implied a warranty by the seller that is pure, that is to say, is prepared from that substance or those substances only, or is a product of that seed or those seeds only.

(3) On the sale of any article for use as food for cattle there shall be implied a warranty by the seller that the article is suitable for feeding purposes.

(4) Any statement by the seller of the percentages of nutritive and other ingredients contained in any article sold for use as food for cattle, made after the commencement of this Act in a bill of parcels of such article or any circular or advertisement descriptive of such article, shall have effect as a warranty by the seller.

4. (1) If any person who sells any article for use as a fertilizer of the soil, or as food for cattle, commits any of the following offences, namely:— Penalties for breach of duty by seller.

(a) Fails without reasonable excuse to give on or

Fertilizers and Feeding Stuff Act.

before or as soon as possible after the delivery of the article the bill of parcels required by this Act ; or

(b) Causes or permits any bill of parcels or description of the articles sold by him to be false in any material particular to the prejudice of the purchaser ; or

(c) Sells for use as food for cattle any article which contains any ingredient deleterious to cattle or to which has been added an ingredient worthless for feeding purposes and not disclosed at the time of the sale ;

he shall without prejudice to any civil liability be liable on summary conviction for a first offence to a fine not exceeding five pounds, and for any subsequent offence to a fine not exceeding fifteen pounds.

(2) In any proceeding for an offence under this section it shall be no defence to allege that the buyer having bought only for analysis was not prejudiced by the sale.

(3) A person alleged to have committed an offence under this section in respect of an article sold by him shall be entitled to the same rights and remedies civil or criminal against the person from whom he bought the article as are available to the person who bought the article from him, and any damages recovered by him may if the circumstances justify it include the amount of any fine and costs paid by him on conviction under this section and the costs of and incidental to his defence on such conviction.

Power for purchaser to have fertilizer or feeding stuff analysed.

5. (1) Every buyer of an article used for fertilizing the soil or as food for cattle shall be entitled on payment of a fee not exceeding five shillings in the case of complex manure or food stuffs, and of two shillings and sixpence in the case of simple ammonium salts, simple potash salts, or simple phosphates, to have the article analysed by the Island Professor of Chemistry, and to receive from him with all convenient speed a certificate of the result of his analysis ; and the Island Professor of Chemistry shall pay the aforesaid fee into the Public Treasury.

Steps to be taken for that purpose.

(2) When the buyer of an article desires to have the article analysed in pursuance of this section he shall at the time of delivery, in the presence of the seller or his agent if required, and in accordance with regulations made by the Governor-in-Executive Committee, take three samples of the article, and shall in accordance with the said regulations cause each sample to be marked, sealed, and fastened up, and shall deliver one sample with the bill of parcels or a copy thereof to the Island Professor of Chemistry, and shall give

Fertilizers and Feeding Stuff Act.

another sample to the seller, and shall send or deposit the third sample with the Agricultural Society for future comparison.

(3) The Analytical Committee of the Agricultural Society or any person hereafter so empowered by the Governor-in-Executive Committee are hereby authorised to obtain samples, as provided in this section, from the bulk of any manure offered for sale in this Island, and shall be entitled to obtain a bill of parcels certificate thereof from the vendor as provided in section two of this Act, and shall submit the same with the bill of parcels certificate or the copy thereof to be analysed by the Island Professor of Chemistry who shall with all convenient speed analyse the same and give a certificate of the result of the analysis. Power to obtain samples.

(4) The certificate of the Island Professor of Chemistry shall be in the form set forth in the schedule hereto or to the like effect, and shall state explicitly in what particulars, if any, and to what extent, the results of such analysis materially differ from the statements set forth in the bill of parcels certificate. Form of analyst's certificate.

(5) At the hearing of any civil or criminal proceeding with respect to any article analysed in pursuance of this section the production of a certificate of the Island Professor of Chemistry shall be sufficient evidence of the facts therein stated, unless the defendant or person charged requires that the said Professor be called as a witness. Its effect as evidence.

6. If any person directly authorized by the Governor, or representing the Analytical Committee aforesaid, shall apply for samples of fertilizers or foodstuffs as provided in section five of this Act, and the person offering such fertilizer or feeding stuff for sale shall refuse to permit such samples to be drawn or to deliver to the applicant a bill of parcels certificate thereof as provided in section four of this Act, then such person shall be liable to a penalty not exceeding ten pounds for each offence. Penalty for refusing to allow samples to be taken.

7. If any person knowingly and fraudulently—

(a) Tampered with any parcel of fertilizer or feeding stuff so as to procure that any sample of it taken in pursuance of this Act does not correctly represent the contents of the parcel; or

(b) Tampered with any sample taken under this Act; he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding six months. Penalty for tampering.

Fertilizers and Feeding Stuffs Act.

Prosecution

8. A prosecution for an offence under this Act may be instituted either by the person aggrieved or by the Analytical Committee aforesaid, or by any person authorized by the Governor-in-Executive Committee.

Remuneration of Island Professor of Chemistry for duties under Act.

9. (1) The Island Professor of Chemistry shall for analyses performed under this Act be entitled to remuneration out of the Public Treasury in accordance with the present authorized scale of fees until he has received in any year the amount of £170, but having drawn fees in any year to this amount he shall not be entitled to any further remuneration in that year for analyses performed under this Act.

(2) All expenses incurred by the Analytical Committee of the Agricultural Society under this Act not exceeding in the aggregate the sum of £30 per annum shall be paid out of the Public Treasury.

(3) Subsection one of this section shall remain in force only so long as the present Professor of Chemistry holds the office.

Construction and application.

10. (1) For the purposes of this Act the expression "cattle" shall mean bulls, cows, oxen, heifers, calves, sheep, goats, swine, and horses, mules, asses, and stock, and the expression "soluble" and "insoluble" shall respectively mean soluble and insoluble in water.

(2) This Act shall apply to wholesale as well as retail sales.

(3) All words referring to sale and purchase shall be deemed also to refer to and include the giving and obtaining samples for analysis.

SCHEDULE.

THE FERTILIZERS AND FEEDING STUFFS ACT, 1894.

Form of Analysis Certificate.

To (*here insert the name of the person submitting the article for analysis*) I, the undersigned Island Professor of Chemistry under the Fertilizers and Feeding Stuffs Act 1894 do hereby certify that I have received on the day of 18 from (*here insert the name of person delivering sample*) a sample of _____ for analysis and

Fertilizers and Feeding Stuffs Act.

have analysed the same and declare the result of my analyses to be as follows :

I am of opinion that the said sample contained the parts as under (or the percentages of constituent substances as under) :—

I have examined the bill of parcels' certificate tendered or delivered with said sample and find that it corresponds with the results of my analysis (or that it differs from the results of my analysis in the following particulars, that is to say :—)

Observations.

 1894—7.

An Act to raise a sum not exceeding Three Hundred and Seventy Five Thousand Pounds by the issue of Inscribed Stock.

[13 November 1894.]

WHEREAS it is expedient to raise a loan not exceeding three hundred and seventy five thousand pounds to meet the cost of purchasing the undertaking and property of the Bridgetown Water Works Company, the undertaking and property of the Barbados Water Supply Company, Limited, and the cost of completing the scheme for a rural water supply : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Preamble.

1. This Act may be cited as the Water Works Loan Act, 1894.

2. It shall be lawful for the Governor to raise a loan not exceeding three hundred and seventy five thousand pounds for the purposes aforesaid by the creation and issue of inscribed stock under the provisions of the Inscribed Stock Act 1889.

Governor empowered to raise a loan not exceeding £375,000.

Water Works Loan Act.

Commencement of contributions to sinking fund.

3. The contributions to the sinking fund as contemplated in sections six and seven of the Inscribed Stock Act 1889, for the repayment of the said sum of three hundred and seventy five thousand pounds sterling hereby authorised to be borrowed shall commence from the date of the issue of the inscribed stock under this Act.

Authority which may be given to agents.

4. It shall be lawful for the Governor to authorise under the seal of this Island the agent or agents appointed under section four of the Inscribed Stock Act 1889, in respect of this loan, to make the declaration required by the provisions of the Imperial Colonial Stock Act 1877, and in and about such declaration and the leaving and record thereof with the Commissioners of Inland Revenue in England to do all such necessary acts as may or can be done by or on behalf of the Government of Barbados to give effect to the provisions of the last-mentioned Act.

1894—8.

An Act to provide for the Reporting and Publishing of the Debates of the Legislative Council and the House of Assembly.

[28 December 1894]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

1. This Act may be cited as the Legislative Debates Act, 1894.

Grant of £500 a year for reporting debates of the Legislature.

2. A sum not exceeding the sum of five hundred pounds shall be paid annually on the warrant of the Governor-in-Executive Committee for reporting and printing the debates of the Legislative Council and the House of Assembly.

Debates Committee to employ two reporters. Their duties.

3. (1) The printing committee for the time being of the House of Assembly in conjunction with one member of the Legislative Council to be nominated by the President (hereinafter referred to as the committee) shall engage the services of two reporters, one to attend every sitting of the Legislative Council, and the other to attend every sitting of the House of Assembly, and to take the proceedings, and within three days of the day of each such meeting deliver to the printer for the time being of the Official Gazette a correct report in legible copy of the said debates and proceedings

Legislative Debates Act.

respectively, with the divisions taken, and the number and names of members on each side.

(2) The salaries to be paid to each such reporter shall be paid monthly and shall be of such amount, not exceeding the sum of one hundred and fifty pounds per annum each, as the committee shall determine. Salaries

(3) The printer of the Official Gazette for the time being shall within ten days of the day of the said meetings respectively publish in the Official Gazette the copy so furnished him by the said reporters, and in case meetings shall occur on two successive days, the debates shall be published in the order in which they occurred within ten days of the day of such meetings respectively. Publication of debates in Official Gazette.

(4) Within ten days of each such meeting fifty numbers of copies of the debates and proceedings so previously published in foolscap size double column shall be furnished to the Clerk of the House, who will distribute the same among the members of the Legislature and otherwise as the committee shall direct. Distribution and

(5) The said printer shall also furnish to the committee such number of copies of the said debates as the said committee shall direct at a cost not exceeding one penny per copy for sale to the general public. sale of copies of the debates.

(6) The said printer shall receive for his services under this Act remuneration at the same rate as he is paid for printing &c. for printing, publishing, and circulating bills and other documents of the Legislature. Sum to be paid for printing &c.

(7) In default of compliance with any of the foregoing provisions the committee may, in their discretion, forthwith terminate any contract made under this Act. Termination of contract for non-compliance with Act.

(8) It shall be the duty of the Clerk of the House to keep a record of the dates on which the debates are published in the Official Gazette shewing in each case whether such debates have been published within the ten days allowed by this Act, and, if not, within what period, and to forward the same to the Colonial Treasurer at the close of each month, and the Colonial Treasurer shall not pay any bill rendered by the public printer until such return is received and shall after receipt thereof deduct from the bill or bills next paid the sum of one pound for each day, exclusive of Sundays, that the publication of such debates is delayed beyond the period of ten days. Fines for not printing debates within prescribed time.

(9) Any party to any contract made under this Act may terminate the same at any time during its continuance on giving six months' previous notice to the other party of Termination of contract by notice.

Legislative Debates Act.

their intention to do so. Provided that in the case of the printer of the Official Gazette, the committee may in case of his default to carry out the foregoing provisions or any of them applicable to him terminate his contract for the public printing.

1895—1.

An Act to enable the Executive Committee to acquire the Undertaking, works, plant, and property of the Bridgetown Waterworks Company, and the Barbados Water Supply Company, Limited, and to provide for the Establishment and Maintenance of Waterworks.

[20 February 1895.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the Waterworks Act, 1895.

INTERPRETATION.

Department. **2.** Department shall mean the Executive Committee
City. City shall mean the City of Bridgetown.

Rate. Rate shall include any rent, reward, or payment to
be made for a supply of water.

Domestic purposes. **3.** (1.) A supply of water for domestic purposes or for
domestic use shall not include a supply of water for baths,
water closets, or for cattle other than domestic stock, or
for horses, or for washing carriages where such horses or
carriages are kept for sale or hire or by a common carrier,
or a supply for any trade, manufacture, or business, or
for watering gardens, or for fountains, or for any ornament-
al purpose.

Domestic stock. (2.) Domestic stock shall mean stock kept by an
individual for domestic purposes and not for trade, sale, or
agricultural purposes.

Waterworks Act.

ACQUISITION OF WATERWORKS.

4. The Executive Committee are hereby authorised and empowered to acquire, by purchase, the undertaking, works, plant, and property of the Bridgetown Water Works Company, and of the Barbados Water Supply Company, Limited.

Acquisition of works of water companies by Executive Committee.

5. On the payment, or settling, or securing of the purchase money to the satisfaction of the directors of the Bridgetown Water Works Company, the undertaking works, plant, and property of the Bridgetown Water Works Company shall vest in the Executive Committee subject only to such leases, contracts, and obligations as shall be assumed by the Executive Committee.

Works of Bridgetown Company to vest in Executive Committee on payment, subject &c.

6. On payment into the High Court of Justice, England, of the purchase money, the undertaking, works, plant, and property of the Barbados Water Supply Company, Limited, agreed to be sold shall vest in the Executive Committee subject only to such leases, contracts, and obligations as shall be assumed by the Executive Committee.

Works of Supply Company to vest in Executive Committee on payment subject &c.

7. The leases, contracts, and obligations to be assumed by the Executive Committee as aforesaid shall be those specified (1) in a memorandum to be signed by the Governor-in-Executive Committee and by the directors of the Bridgetown Water Works Company and (2) in a memorandum to be signed by the Governor-in-Executive Committee and by the person authorised by the High Court of Justice to sell the undertaking, works, plant, and property of the Barbados Water Supply Company, Limited; the said memoranda shall be recorded in the Registration Office, and a certified copy thereof shall be received in evidence in all courts in any action or proceeding therein.

Obligations of the companies assumed by Executive Committee to be stated in memorandum to be recorded.

8. Any claim not assumed by the Executive Committee as aforesaid must be made against the respective companies within three months after the acquisition of the respective undertakings by the Executive Committee, otherwise they shall be void as against the respective companies.

Other claims to be made within 3 months.

9. On the acquisition of the undertakings of the respective companies as aforesaid a notice shall be published in each issue of the Official Gazette for three months to the effect that all claims not assumed by the Executive Committee as aforesaid must be made within the period specified in the preceding section against the respective companies, or be void as against such companies.

Advertisement in Gazette of provisions of last section.

Waterworks Act.

MANAGEMENT.

Department.

Department.

10. The management of the waterworks constructed and maintained under this Act is hereby placed in the hands of the Executive Committee, who are hereinafter referred to as the Department, and who shall report annually for the information of the Legislature on the revenue and expenditure of the waterworks, and on the general condition thereof.

Officers of Department.

Officers.

11. (1.) The officers of the said Department shall consist of an Engineer and Manager at a salary of six hundred pounds a year; a Secretary at a salary of six hundred pounds a year; and such other officers as may appear to the Executive Committee to be necessary, at such salaries as the Legislature may determine.

Salaries.

(2.) Such salaries shall be payable out of the Public Treasury in equal monthly instalments on the warrant of the Governor-in-Executive Committee.

Officers not to be entitled to pension.

(3.) No officer appointed in pursuance of the provisions of this Act shall come within the operation of the Pension Act, 1907.

Secretary to enter into bond.

(4.) The Secretary to be appointed under this Act shall enter into bonds with the Governor and his successors in office for the faithful discharge of his duties and for the due accounting of all moneys paid to the Department for such amount and on such conditions as the Governor-in-Executive Committee may determine.

Travelling expenses of officers.

(5.) The Department is hereby authorised to expend such sum as may be necessary to defray the actual travelling expenses of the officers of the Department; such payment shall be made from the Public Treasury on the warrant of the Governor-in-Executive Committee.

Appointment of officers.

(6.) The said officers shall be appointed by the Governor.

Regulations defining duties.

12. The Department may make, alter, or revoke regulations for defining the duties to be performed by the officers of the said Department.

To deliver accounts, &c.

13. Every officer or person shall from time to time, when required by the Department, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of

Waterworks Act.

all moneys received by him on behalf of the Department ; and such account shall state how and to whom and for what purpose such moneys shall have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such ; and every such officer shall pay to the Colonial Treasurer all moneys which shall appear to be owing from him upon the statement of such accounts.

14. If any such officer fail to render such account and to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when required, or if for three days after being thereunto required he fail to deliver up to the department, or to any person appointed by them to receive the same, all property, effects, matters, and things in his possession or power relating to or belonging to the Department, then on complaint thereof being made to any Police Magistrate, such Police Magistrate may by warrant under his hand cause such officer to be brought before him, and upon such officer being so brought before him, or if such officer cannot be found, then, in his absence, such Police Magistrate may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer ; and if it appear either upon confession of such offender, or upon evidence, or upon inspection of the accounts, that any moneys of the Department are in the hands of such officer, or owing by him to the Department, such Police Magistrate may order such officer to pay the sum, and if he fail to pay the amount it shall be lawful for such Police Magistrate to grant a warrant to levy the same by distress, or in default thereof commit the offender to gaol for a period not exceeding three months ; and in any of the following cases, (that is to say) :—

if any such officer do not appear before the Police Magistrate at the time and the place appointed for that purpose ; or

if such officer appear but fail to make out such account in writing ; or

if such officer refuse to produce and deliver up to the Police Magistrate the several vouchers and receipts relating to such account ; or

if such officer refuse to deliver up any books, papers, or writings, property, effects, matters or things in his possession or power belonging to the Department, such Police

Waterworks Act.

Magistrate may lawfully commit such offender to gaol; and in every such case of commitment, the prisoner shall remain in custody until he has made out and delivered such account and delivered up the vouchers and receipts (if any) relating thereto in his possession or power, and has delivered up such books, papers, writings, property, effects, matters and things (if any) in his possession or power; provided always that no such proceeding against or dealing with any such officer as aforesaid shall deprive the Executive Committee of any remedy which they might otherwise have against any surety of such officer.

Workmen and servants.

Workmen and servants.

15. The department may employ such workmen and servants at such rates of remuneration as may be necessary.

Entry and inspection by officers &c.

Inspection of meters, pipes, &c. between 9 a.m. and 4 p.m.

16. The duly authorised officers or servants of the department may enter any house, building or land through, to, or into which water is supplied by the Department between the hours of nine in the morning and four in the afternoon in order to inspect the meters, pipes, fittings, cisterns, and apparatus used for the measuring, conveyance, reception, or storage of water, and to ascertain whether such meters, pipes, fittings, cisterns, and apparatus are in good repair, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, building, or land for the purpose of removing any meters, pipes, fittings, cisterns, or apparatus the property of the Department, and if any such officer or servant be at any time refused admittance into such premises for any of the purposes aforesaid, or be prevented from making such inspection, examination, or removal, the occupier of such premises shall for every such offence be liable to a penalty not exceeding five pounds.

[See also section 50.]

CONSTRUCTION AND MAINTENANCE.

Acquisition of land, streams, springs, &c.

Lands &c., acquired under Compulsory Powers (Land) Act.

17. All lands, streams, springs or waters required for the purposes of this Act may be acquired by the Department under the provisions of the Compulsory Powers (Land) Act, 1888; and for the purposes of this Act the word "lands" in that Act shall be deemed to include not only the things mentioned in section two thereof but also streams, springs, or waters being or flowing in, on, under, or over any land.

*Waterworks Act.**Construction and maintenance.*

18. The cost of maintaining the waterworks shall be paid out of the sums voted for that purpose on the annual estimates.

Cost of maintenance.

19. It shall be lawful for the Department and they are hereby empowered to make, construct, and maintain all such works as are necessary for the purpose of maintaining and extending waterworks for the supplying of Bridgetown and the rural parts of the Island with water for domestic purposes, for the extinction of destructive fires, for cleansing streets, lanes, gutters, and sewers, and for all other purposes to which water and waterworks are applied or are applicable.

Purposes for which waterworks constructed.

20. It shall not be lawful for the department to proceed in the extension or establishment of any waterworks hereby authorised unless they shall, previous to the commencement thereof, lay before the Legislature for approval a plan showing the limits of the part of the proposed waterworks, prepared on a scale of not less than three inches to the mile, and a plan and sections showing all works for obtaining and storing the water in detail with a book of reference thereto for the better understanding of the same; and the said plan when approved of shall be deposited in the Colonial Secretary's Office of this Island, and the Colonial Secretary shall permit all persons interested to inspect the same at all seasonable times and to make copies thereof, or to take extracts therefrom, on payment of one shilling for every such inspection, and after the rate of sixpence for every folio of ninety words copied therefrom.

Plans of proposed works submitted to Legislature.

21. If any omission, misstatement, or wrong description shall have been made of any lands or streams, or of the owners, lessees, or occupiers of any lands or streams described on the plan or in the book of reference so deposited as aforesaid, the Department after giving ten days' notice to the owners, lessees, and occupiers of the land and streams affected by such proposed correction, may apply to the Police Magistrate of the district for the correction thereof; and if it appear to such Magistrate that such omission, misstatement, or wrong description arose from mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, misstatement, or wrong description; and such certificate, with the other documents to which it relates, shall be deposited in the Colonial Secretary's Office of this Island, and shall be kept by the Colonial Secretary, together with the

Correction of errors in plan.

Waterworks Act.

other documents to which it relates, and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate, and the Department may make the works in accordance therewith.

Copies of plans
&c., evidence.

22. True copies of the said plan and sections and book of reference or extracts therefrom certified by such Colonial Secretary, which certificate such Colonial Secretary when required shall give to all parties interested, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

Limits of
deviation.

23. The Department in constructing the waterworks shall not deviate from the line of the works laid down in the said plan more than twenty yards, nor in any case to any greater extent than the line of lateral deviation described in the said plan with respect to such works, nor take nor use, for the purpose of such deviation, the lands of any person not mentioned in the book of reference, without the consent of the Legislature first had and obtained.

Works that may
be executed.

24. Subject to the provisions and restrictions in this Act contained, the Department may execute any of the following works for constructing the waterworks. They may enter upon any lands and other places described in the plan and book of reference referred to in this Act, and survey and take levels of the same, and set out such parts thereof as they shall think necessary, and dig and break up the soil of such lands, and trench and sough the same, and remove or use, in construction of the said works, all earth, stones, mines, minerals, trees, or other things dug or gotten out of the same. The Department shall be authorised to take up and use in the manner herein provided any springs, streams, or waters which may be embraced in the plan referred to in this Act: provided always that the Department shall make a reasonable compensation to the owners or occupiers of such springs or streams for the use thereof, by an annual payment of rent or by purchase, such rent or purchase money to be agreed upon between the owners or occupiers of such springs, or assessed by a jury in conformity with the provisions of this Act for enabling the Department to purchase and hold lands and tenements. The Department may from time to time sink such wells or shafts and make, maintain, alter, or discontinue such tunnels, reservoirs, waterworks, cisterns, tanks, aqueducts, dams, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands and streams authorized to be taken by them as they shall think proper, for supplying the inhabitants of the said city of Bridgetown and of the rural

Waterworks Act.

part of the Island with water. They may from time to time divert and impound the water from the streams mentioned for that purpose in the said plan or book of reference, and alter the course of any such streams, and also take such waters as may be found in, under, or on any lands for the purposes of their works or to be taken for constructing the works: provided always, that in the exercise of the said powers the Department shall do as little damage as can be, and in all cases where it can be done shall provide other watering-places, drains, and channels, for the use of adjoining lands, in place of any such as may be taken away or interrupted by them, and the Department shall make compensation to all parties interested for all damages sustained by them through the exercise of such powers.

25. In case the Department, in the construction of Accommodation the said works, shall in any way interrupt any of the neigh- works. bouring lands or injure the same, so as to render the construction of works to accommodate the said lands, or make good the injury committed upon such lands, necessary, then if any difference shall arise respecting the construction of such accommodation works, or the kind or size or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined by the Police Magistrate of the district, and such Magistrate shall also appoint the time within which such works shall be begun and finished by the Department; and if the Department shall for fourteen days next after the time appointed by such Magistrate for the beginning of any such accommodation works fail to begin such works, or having begun such works fail diligently to execute the same in a sufficient manner, the person aggrieved by such failure may execute such work or repairs, and the reasonable expenses thereof shall, on demand, be repaid by the Department to the person by whom the same shall have been executed; and if there be any dispute about the amount or nature of such expenses, the same shall be settled by such Magistrate.

26. The Department may open and break up the soil Breaking up and pavement of the several streets, roads, and bridges highways. within the limits of the plan of the waterworks, and may open and break up any sewers, drains, or tunnels, within or under any streets, roads, and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same; and for the purposes aforesaid remove and use all earth and material in and under such streets, roads, and bridges,

Waterworks Act.

and do all other acts which they shall from time to time deem necessary for supplying water to the inhabitants of Bridgetown and the rural parts of the Island, doing as little damage as can be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers. The Department shall also have power to cross private lands and lay down and place their pipes therein, and from time to time repair, alter, or remove the same, paying only surface or tenants' damages to the persons to whom such lands may belong unless any special damage shall be committed on such lands requiring a higher compensation.

Notice of
intention to
break up
highways.

27. Before the Department open or break up any street, road, bridge, sewer, drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their clerk, inspector, or other officer, notice in writing under the hand of an officer of the Department of their intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

Local authority
to superintend
such breaking
up.

28. No such street, road, bridge, sewer, drain, or tunnel, shall—except in the case of emergency aforesaid—be opened or broken up except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officers, or in case of any difference respecting such plan then according to such plan as shall be determined by the Police Magistrate of the district: and such Magistrate may on the application of the persons having the control or management of any such sewer or drain, or their officer, require the Department to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: provided always, that if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, road, bridge, sewer, drain, or tunnel, after having had such notice of the intention of the Department as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Department may perform the work specified in such notice without the superintendence of such persons or their officer.

Waterworks Act.

29. When the Department open or break up the road or pavement of any street, road, or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby: and shall at all times whilst any such road or pavement shall be open or broken up cause the same to be fenced or guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there every night during which such road or pavement shall be continued open or broken up, and shall, after replacing and making good the road or pavement which shall have been so broken up, keep the same in good repair for three months thereafter and such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Streets &c. to be reinstated without delay.

Light to be kept burning at night.

30. If the Department open or break up any street, road, or bridge, or any sewer, drain, or tunnel, without giving notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the Department are authorised to perform such works without any superintendence or notice, or if the Department make any unnecessary delay in completing any such work, or in filling in the ground or reinstating or making good the road or pavement, or sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of six months next after the same is made good, or such further time as aforesaid, the persons having the control or management of the street, road, bridge, sewer, drain, or tunnel in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the Department.

Penalty on non-observance of preceding sections.

31. It shall be lawful for the Department to contract and agree with any person for constructing all the works which may be necessary, or any part thereof, hereby authorized to be made or done by the Department, or for maintaining and keeping in good order the said works or any part thereof, and in such manner and for such sum or sums of money, and under such regulations and restrictions, as they shall think proper.

Contracts for construction and maintenance.

Waterworks Act.

Materials &c. the property of Department during execution of such contracts.

32. During the execution of any contract made with the Department the works in course of being done under such contract, and all the materials of any description brought upon or near such works for the purpose of being used in the execution of such contract, shall be and for all intents and purposes and intendments of law, and in all legal proceedings, civil and criminal, be held to be the property of the Department and it shall be sufficient to state it as such.

SUPPLY OF WATER.

Purposes for which supply to be kept.

Domestic use, cleansing drains &c., standpipes, bath, and wash-houses.

33. The Department shall, subject to the provisions of this Act, provide and keep in the pipes to be laid down by them, unless prevented by drought or other extraordinary cause or unavoidable accident, a supply of pure and wholesome water sufficient for the domestic use of the inhabitants of the Island, for cleansing sewers and drains, for watering streets, for supplying public standpipes, baths, or washhouses that may be established for the use of the inhabitants, and for any other such purposes as are required by this Act, and the Department shall cause pipes to be laid down and the water to be brought to every part of the Island within the limits described by the plan of the intended works approved by the Legislature.

Pressure.

34. The water to be supplied from any main or pipes of the Department need not in any case be supplied at a level above, or at a greater pressure than in the case of the City can be afforded by gravitation from, the existing Grand View reservoir, and in all other parts of the Island than the levels of the works for the time being will admit.

Public standpipes.

Free street supply for domestic purposes and domestic stock.

35. The Department shall maintain, provide, and fix proper standpipes upon their main and other pipes at such places as the Legislature may determine, from which the inhabitants may take water for domestic purposes, for their domestic stock, and for stock if they require it when on a bona fide journey between the hours of 5 o'clock in the morning and 10 o'clock at night.

Fireplugs.

In city and certain parts of rural.

36. The Department shall maintain, provide, and fix proper fireplugs in the main and other pipes in the City, Speights Town, and such other parts of the Island as the

Waterworks Act.

Legislature may determine, at such distances and at such places as may be most proper and convenient for the supply of water for extinguishing any fire which may break out.

37. The Department shall from time to time renew and keep in effective order every such fireplug, and as soon as any such fireplug is completed they shall deposit a key thereof at the several Fire Brigade Stations, or at such other place as they may determine, and shall put up a public notice in some conspicuous place in each street in which such fireplug is situate, showing its situation and where the key is kept, which notice may be put upon any house or building in such street. Keys of, where to be kept.

38. The Department shall, at the request and expense of the owner or occupier of any work, manufactory, or warehouse situated in any street or road in which there shall be a pipe, place and maintain in effective order a fireplug (to be used only for extinguishing fires and to be subject to such regulations as may be laid down) as near as conveniently may be to such work or manufactory, the cost of putting up and maintaining such fireplugs to be chargeable to, and paid by, the said owner or occupier; provided always, that if any fireplug placed under this section be used for any other purpose than extinguishing fire, the said owner or occupier shall be liable to a penalty not exceeding one hundred pounds. Private fire-plugs.

39. The Department shall at all times, unless prevented by drought or unavoidable cause or accident, or during necessary repairs, keep their pipes charged with water under such pressure as aforesaid, and shall allow all persons at all times to take and use such water for extinguishing fires. Water for extinguishing fire, free.

Domestic supply.

40. (1.) Any owner or occupier of any dwelling-house or part of a dwelling-house who shall wish to have water from the waterworks of the Department brought into his premises, and shall pay or tender to the Department the portion of water rate payable for the same under the provisions of this Act, and shall also deposit at the office of the Department such sum as the Department shall determine, to cover the estimated cost thereof, shall be entitled to have a service pipe laid down to his premises, and to such part thereof as he may desire: and the Department on notice of such desire and within fourteen days after such payment or Procedure to be adopted when water to be turned into a dwelling-house.

Waterworks Act.

tender and deposit shall lay down or cause to be laid down such pipe of communication with their nearest street pipe, for serving water on the said premises, the cost of such service pipe and of laying down the same, with ten per cent in addition, to be chargeable to the said owner or occupier; and the difference, if any, between the amount of the same and the amount of the sum so deposited shall be paid or received by the owner or occupier as the case may be.

Discontinuation
of water supply.

(2.) Whenever the supply of water to such premises shall have been discontinued the said service pipe shall be disconnected from the works and given up to the said owner or occupier on his paying the cost of disconnecting the same and of taking up and removing any part thereof not lying within his own lands.

Supply when
part of dwelling-
house used for
business purposes.

41. No person shall be entitled to require nor shall the Department be bound to supply any dwelling-house with water (otherwise than by meter or special agreement) where any part of such dwelling-house is used for any trade or business purpose for which water is required.

Bore of service
pipe.

42. The bore of any service pipe shall not exceed the limit prescribed by the Department, and where no limit is prescribed shall not exceed half an inch.

Cost of supply.

43. Water shall be supplied for domestic purposes at such rates as shall be fixed by the rules and regulations made under this Act.

Water closets
and baths.

44. The Department shall not be compelled to supply with water any water closet or any bath or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste, undue consumption, or contamination of the water of the Department; and the water supplied for all baths shall be paid for at such rates as may be fixed by rules and regulations as hereinbefore provided, and such rates may vary according to the capacity and kind of bath supplied.

Supply other than domestic.

By meter and
not to interfere
with domestic
supply.

45. Subject to the provisions of this Act the Department may supply water for other than domestic purposes on such terms and conditions as may be prescribed by rules and regulations, and may enter into agreement for the supply of water by measure either for domestic or other purposes; provided that such supply for other than domestic purposes shall not at any time interfere with the supply for domestic purposes.

*Waterworks Act.**Supply to local authorities.*

46. (1) Subject to the provisions of this Act the Department may from time to time enter into and fulfil contracts with any sanitary, highway, or other local authority with respect to a supply of water for flushing sewers and drains or for watering streets or for any public urinals, baths, or washhouses, or for other public purposes; and every such contract may be on such terms and conditions and at such rate not exceeding five pence per thousand gallons as may be prescribed by rules and regulations, and the Department may by agreement vary, suspend, or rescind any such contract and make others in lieu thereof and in addition thereto; provided always, that the Department shall not supply water to any such authority, nor shall any such authority be entitled to such supply whenever and so long as the Department are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Act, and no penalty or damages shall be recoverable for not supplying water to any such authority under such circumstances; provided also that the water supplied for flushing sewers and drains and for watering streets shall be furnished by the Department from water pillars to be erected at the cost of the sanitary, highway, or local authority requiring the supply of water; provided also that the Department shall not (except under exceptional circumstances and in their discretion) supply to the Sanitary Commissioners of the City and the parish of St. Michael more than forty million gallons of water per annum.

Sanitary, high-ways, and other local bodies.

(2) Notwithstanding the provisions of the foregoing subsection the Department may permit water, contracted to be supplied under this section for flushing sewers and drains and for watering streets, to be taken from fireplugs, fixed under section thirty-six of this Act.

Water for flushing sewers and drains and watering streets may be taken from fireplugs.

(3) If any water, used for flushing sewers and drains, or for watering streets, is permitted to be taken from any fireplug, the sanitary, highway, or local authority using the same shall pay the Department the sum agreed on between the Department and the sanitary, highway, or local authority for the use of fireplugs.

Local authority to pay for use of fireplugs.

Meters.

47. The Department may from time to time sell and dispose of or may let on hire meters or any fittings thereto upon and subject to such terms (pecuniary or otherwise) and conditions as may be prescribed by rules and regulations,

Sale or hire.

Waterworks Act.

and the remuneration payable to the Department therefor shall be recoverable in the same manner as rates due to the Department.

Meters let on hire at date of this Act.

48. Where before the coming into operation of this Act any landlord, or tenant, or occupant, with the permission of the landlord (signed in writing), is supplied with water on the hire system, the Department shall continue to let for hire any meter for ascertaining the quantity of water used, and any pipes or fittings for conveying and distributing the same, for such remuneration in money as such landlord, tenant, or occupant is paying at the date of the coming into operation of the Act; and such remuneration shall be recoverable in the same manner as rate due for water; and such meters, pipes, and fittings shall not be subject to distress for rent of the premises where the same may be used; nor be taken in execution under any process of a court of law or equity, or any fiat or sequestration in bankruptcy against the person in whose possession the same may be: and the Department shall be at liberty whenever such payment or such supply of water shall be discontinued, to disconnect and remove the said meters, pipes, and fittings.

Register to be prima facie evidenc.

49. The register of the meter shall be prima facie evidence where water is supplied by measure of the quantity of water consumed; provided always that if the Department and the consumer differ as to the quantity consumed the meter shall be tested by the Department after notice given to the consumer of the place and time of testing, and the rate, if necessary, corrected by the results thereof, and if the meter shall be found correct the cost of testing shall be borne by the consumer, otherwise by the Department.

Inspection &c., of meters.

50. The Department, their officers and servants, shall between the hours of 8 a.m. and 4 p.m. have access to and be at liberty to read, take off, remove, test, inspect, and replace any meter whether belonging to a consumer or not, such taking off, removal, testing and inspecting and replacing to be done at the expense of the Department, if the meter be found in proper order or be the property of the Department; otherwise at the expense of the consumer.

Supply and cost of meters, cocks, closets, &c.

Repairs and renewals other than re-leathering to be paid by consumer.

51. (1) The Department shall furnish to any person who, or any of whose property or premises, is supplied or about to be supplied by them with water, and from time to time renew, repair, or alter any such meters, cisterns,

Waterworks Act.

pipes, valves, ferules, cocks, baths, soil pans, water closets, apparatus, receptacles, fittings and appliances as are required or permitted by the regulations or by this Act, in connection with such supply, and shall provide all materials and do all work necessary or proper in that behalf. And the cost of all materials and things furnished by the Department with five per cent. in addition and the cost of all labour furnished by them shall be paid by the person furnished therewith, unless he or his premises (as the case may be) are supplied with water under the provisions of section fortyeight of this Act, in which case such costs shall be defrayed by the Department; provided always that the Department shall in all cases bear the costs of re-leathering all cocks and valves.

(2) Such cost as aforesaid when payable by the person furnished with the said materials and labour shall be recoverable from him in the same manner as water rates.

Water rates.

52. All rates shall be paid in advance at the office of the Department by equal quarterly payments on the first days of January, April, July, and October, or within 10 days after each such date, and the first payment of the whole or of the proportionate part (as the case may be) of the rate payable for a quarter shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Department, or at the time when the agreement to take water is made.

53. The occupier of any dwelling-house liable to the payment of any water rate who shall give notice of his intention to discontinue the use of the water supplied by the Department or who shall remove from his dwelling between any two quarterly days of payment shall pay the water rate in respect of such dwelling-house for the quarter ending on the quarterly day of payment next after his quitting the same or giving such notice.

Rate payable when notice to discontinue given or premises vacated between two quarter days.

54. If any person supplied with water by the Department or liable as herein provided to pay water rate neglect to pay such water rate at any of the said times of payment thereof, the Department may stop the water from flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises or by such means as they may think fit, and may recover the rate due from such person with the expenses of cutting off the water and costs of recovering the rate in the Bridgetown Petty Debt

On default of payment water may be shut off.

Waterworks Act.

Court wherever the cause of action may have arisen or the defendant may reside.

Recovery of rates.

55. All rates shall be recoverable from the person liable to pay the same by proceedings in the Petty Debt Court of Bridgetown wherever the cause of action may have arisen or the defendant may reside.

Notice to discontinue supply.

To be in writing and left at office of Department.

56. A notice to the Department from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by a registered letter to the office for the time being of the Department.

MISCELLANEOUS.

Vesting of works.

Waterworks &c. vested in Department.

57. The waterworks and other matters and things thereunto belonging, and all the materials thereof, and all engines, tools, implements, and things, of whatsoever description the same may be, hereafter provided for any of the purposes of this Act, or of the waterworks, or other works, and also all books, writings, papers, documents, plans, specifications, estimates, and books of reference relating to the execution thereof, and all sums of money and securities for money of what kind the same may be, shall be and are hereby vested in the Department.

Documents and actions executed and brought by and against Colonial Secretary.

Documents and actions how executed and brought &c.

58. The Department in pursuance of the powers, and in discharge of the functions, conferred on them by this Act may execute all conveyances, leases, contracts, and documents, and may sue and be sued in the name of the Colonial Secretary.

Abstract of revenue and expenditure.

To be laid annually before Legislature.

59. The Department shall in each year lay before the Legislature an account in abstract of the whole receipt and expenditure of all moneys received by them for the preceding year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the Auditor General.

*Waterworks Act.**Legal procedure.*

60. In all cases wherein damages are by this Act authorized to be paid, and the manner of ascertaining the amount thereof is not specified or provided for, such amount, in case of non-payment or of any dispute respecting the same, shall be ascertained and determined by the Police Magistrate of the parish or town in which the same shall have been incurred, who is hereby required and authorized to investigate the same on oath or otherwise; and where by this Act any damages are directed to be paid in addition to any penalty for any offence, the amount of such damages in case of non-payment, or of any dispute respecting the same, shall be settled and determined by the Police Magistrate by or before whom any offender shall be convicted of such offence, and such Police Magistrate is hereby authorized and required, on the non-payment of the damages in any of the cases aforesaid, to levy such damages by distress and sale of the offender's goods and chattels.

Damages may be recovered before a Police Magistrate.

61. When any distress shall be made for any money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor any party making the same a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto: nor shall such party be deemed a trespasser ab initio on account of any irregularity which shall be afterwards committed by him; but all persons aggrieved by such defect or irregularity shall and may recover full satisfaction for the special damage in an action upon the case.

Distress not unlawful for defect in form &c.

62. No action, suit, or information, nor any other proceeding of what nature soever, shall be brought, commenced, or prosecuted against any person for anything done or to be done in pursuance of this Act, or in the execution of the powers or authorities, or any of the orders made, given, or directed by, in, or under this Act, unless twenty eight days' previous notice in writing shall be given by the party intending to commence and prosecute such action, suit, or information to the intended defendant, nor unless such action, suit, or information shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage then within three calendar months next after the doing or committing such damage shall have ceased; and the defendant in such action, suit, or information may plead the general issue and give this Act, or any rule or regulation made under the authority

Limitation and notice of action.

Waterworks Act.

of this Act, and the special matter in evidence at any trial to be had thereupon, and that the same was done by the authority of this Act. And if it shall appear to have been so done, or that such action, suit, or information shall have been brought otherwise than as hereinbefore directed, then and in every case judgment shall be for the defendant; or if the plaintiff, shall become nonsuited, or suffer a discontinuance of his action, suit, or information after the defendant shall have appeared thereto, or if a verdict shall pass against the plaintiff therein, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall have costs, and have such remedy for recovering the same as defendants have for recovering costs of suit by law in any other cases.

Plaintiff not to recover if tender of amends.

63. No plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, if tender of sufficient amends shall have been made by or on the behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding before such action brought; and in case no tender shall have been made, it shall be lawful for the defendant in any such action, by leave of the court where such actions shall depend, at any time to pay into court such sum of money as he shall think fit, whereupon such proceedings, order, and adjudication shall be had and made in and by such court, as in other actions where defendants are allowed to pay money into court.

Offences against Waterworks.

Obstruction of persons setting out line of works &c.

64. Every person who shall wilfully obstruct any person acting under the authority of the Department in setting out the line of the works, or pull down or remove poles or stakes driven into the ground for the purpose of setting out the line of such works, or deface or destroy any works made for the same purpose shall be liable to a penalty not exceeding five pounds for every such offence.

Illegally diverting water.

65. After the stream or supplies of water hereby authorized to be taken by the Department shall have been so taken, every person who shall illegally divert or take the waters supplying or flowing into the streams or waters so taken, or now in use, or any part thereof, or who shall do any unlawful act whereby the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not immediately repair the injury done by him on being required so to do by the Department so as to restore

Waterworks Act.

the said waters to the state in which they were before such act, shall forfeit to the Department any sum which may be awarded by the Police Magistrate of the district not exceeding ten pounds for every day during which the said supply of water shall be diverted or diminished by reason of any act done by or by the authority of such person; and any sum so forfeited shall be in addition to the sum which he may legally be adjudged liable to pay to the Department for any damage by reason of the supply of water being diminished; and the payment of the sum so forfeited shall not bar or affect the right of the Department to bring an action at law against such person for the damage so committed: provided always, that nothing herein contained shall prevent the owners and occupiers for the time being of lands, through or by which such streams shall flow, from using the waters thereof in such manner and to such extent as they might have done before the passing of this Act, unless they shall have received compensation in respect of their right of so using such water.

66. Every person supplied with water who shall suffer any stopcock, pipe, or other work to be out of repair without giving notice to the Department, so that the water supplied to him shall be wasted, shall forfeit for every such offence a sum not exceeding five pounds.

Suffering cocks &c. to be out of repair without notifying Department.

67. Every person who shall commit any of the offences next hereinafter enumerated shall for every such offence forfeit a sum not exceeding five pounds, that is to say, every person who shall bathe in any stream, reservoir, aqueduct, or other waterworks belonging to the Department, or wash therein, or cause to enter therein any dog or other animal; every person who shall throw any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterworks as aforesaid, or wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes or thing; every person who shall cause the water of any sewer, sink, or drain, steam-engine, boiler, or filthy water belonging to him or under his control, to run or be brought into any stream, reservoir, aqueduct, or other waterworks belonging to the Department, or shall do any act whereby the water of the Department shall be fouled; and every such person shall forfeit a further sum of five pounds for each day, if more than one, that such last mentioned offence shall be continued.

Bathing in streams &c. washing things or putting dirt &c. in streams etc.

68. Every person who shall wilfully or carelessly break injure, or open any lock, cock, valve, pipe, work, or engine belonging to the Department, or shall flush or draw off the

Injuring works wasting water &c.

Waterworks Act.

water from the reservoirs or other works of the Department, or shall do any wilful act whereby such water shall be wasted, shall forfeit for every such offence a sum not exceeding five pounds.

Taking water without agreement.

69. Every person who, not having agreed to be supplied with water by the Department, shall take water from any reservoir, watercourse, or conduit, or from any cistern or place containing water belonging to the Department or from any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the Department other than such as may have been provided for the gratuitous use of the public, shall forfeit for every such offence a sum not exceeding five pounds.

Occupier supplying a person not under contract for supply except for putting out fire.

70. Every owner or occupier of any premises supplied with water under this Act, who shall supply to any person, or wilfully permit him to take any such water from such premises unless for the purpose of extinguishing any fire, or unless he be a person supplied with water by the Department and the pipes belonging to him be out of repair, shall forfeit for such offence a sum not exceeding five pounds.

Injuring pipes &c. by fraud or negligence or altering meter, &c.

71. If any person wilfully, fraudulently or by culpable negligence injures or suffers to be injured any pipe, meter, or fitting belonging to the Department, or through which water is supplied by the Department, or fraudulently alters the index to any meter, or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied, he shall (without prejudice to any other right or remedy for the protection of the Department or the punishment of the offender,) for every such offence be liable to a penalty not exceeding ten pounds, and the Department may in addition thereto recover the amount of any damage sustained by them, and may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damages is paid, notwithstanding any contract then existing; and the existence of artificial means for causing such alterations or prevention when such pipe, meter, or fitting, or other work is under the custody or control of the consumer shall be prima facie evidence that such alterations or prevention has been fraudulently caused by the consumer using such meter, pipe, fitting, or other work.

Using water for purposes other than those for

72. If any person

(1) not having from the Department a supply of water for other than domestic purposes uses for other than

Waterworks Act.

domestic purposes any water supplied to him by the Department, or which it is supplied.

(2) having from the Department a supply of water for any other than domestic purposes uses for any purposes other than those for which he is entitled to use the same any water supplied to him by the Department, or

(3) whether he has from the Department any supply of water or not, takes water from a standpipe, or knowingly uses water so taken for purposes other than those permitted by section thirty-five of this Act, Using water from a standpipe.

he shall for every such offence be liable to a penalty not exceeding two pounds without prejudice to the right of the Department to recover from him the value of the water misused.

73. It shall not be lawful for the owner or occupier of any premises supplied with water by the Department or any consumer of the water of the Department or any other person to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the Department or to a communication or service pipe belonging to or used by such owner, occupier, consumer, or other person, or to make any alterations in any such communication or service pipe or in any apparatus connected therewith without the consent in every such case of the Department, and if any person acts in any respect in contravention of this section he shall for any such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Department to recover damages from him in respect of any injury done to their property, and without prejudice to the right to recover from him the value of any water wasted misused or unduly consumed. Affixing or altering pipes &c. without consent of Department.

74. Any person who is the proprietor of any pipe or other works connected with the pipes of the Department shall not disconnect the same until he has first given six day's notice in writing to the Department of his intention to do so and of the time of such desired disconnection and the Department have failed to disconnect the same, and every such person shall make compensation to the Department for any injury or damage to their pipes or works which may be caused by such disconnection; and every person who shall remove any such pipes or other works without giving such notice as aforesaid shall forfeit to the Department a sum not exceeding five pounds over and above the amount which he may be found liable to pay in any action at the suit of the Department for the damage done to their pipes or works. Disconnection of pipes &c. without notice to department.

*Waterworks Act.**Penalties.*

Recovery of.

75. All penalties imposed by this Act may be recovered in a summary manner before a Police Magistrate on the complaint of any person, and shall be paid one half to the informer, and the other into the Treasury to the credit of the general revenue.

Rules and regulations.

How made, and penalty for breach.

76. (1) The Department may make, alter, or revoke rules and regulations for the government of the waterworks and of all persons and matters connected therewith, including the sale of water and the rates to be paid therefor.

(2.) Such rules and regulations shall be laid before the Legislature, and shall, when they have received the sanction of both Houses of the Legislature, and the assent of the Governor, be legally binding on all persons.

(3) Whosoever shall infringe any of the rules and regulations made in pursuance of the preceding subsections shall be liable to a penalty not exceeding ten pounds.

Reduction of water rates when loan repaid.

When works paid for rates to be reduced.

77. When the loan proposed to be raised for the execution of the works authorised or referred to in this Act has been repaid, the rates to be charged for a supply of water shall not be greater than is required to discharge the expenses of maintaining, repairing, restoring, or extending the said waterworks.

An Act for Codifying the law relating to the Sale of Goods.

[7 May 1895.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

1. This Act may be cited as the Sale of Goods Act, 1895.

Sale of Goods Act.

2. (1) In this Act unless the context or subject matter otherwise requires,— Interpretation of terms.

“Action” includes set off :

“Buyer” means a person who buys or agrees to buy goods :

“Contract of sale” includes an agreement to sell as well as a sale :

“Delivery” means voluntary transfer of possession from one person to another :

“Document of title to goods” shall include any bill of lading, dock warrant, warehouse keeper’s certificate, and warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise either by endorsement or delivery the possessor of the document to transfer or receive goods thereby represented :

“Fault” means wrongful act or default :

“Future goods” mean goods to be manufactured or acquired by the seller after the making of the contract of sale :

“Goods” include all chattels personal other than things in action and money :

“Property” means the general property in goods and not merely a special property :

“Quality of goods” includes their state or condition :

“Sale” includes a bargain and sale as well as a sale and delivery :

“Seller” means a person who sells or agrees to sell goods :

“Specific goods” mean goods indented and agreed upon at the time a contract of sale is made :

“Warranty” means an agreement with reference to goods which are the subject of a contract of sale, but collateral to the main purpose of such contract, the breach of which gives rise to a claim for damages, but not to a right to reject the goods and treat the contract as repudiated.

(2.) A thing is deemed to be done “in good faith” within the meaning of this Act when it is in fact done honestly, whether it be done negligently or not.

(3.) A person is deemed to be insolvent within the meaning of this Act who either has ceased to pay his debts in the ordinary course of business, or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not.

Sale of Goods Act.

(4.) Goods are in a “deliverable state” within the meaning of this Act when they are in such a state that the buyer would under the contract be bound to take delivery of them.

PART I.

FORMATION OF THE CONTRACT.

Contract of sale.

Sale and agreement to sell.

3. (1.) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration, called the price. There may be a contract of sale between one part owner and another.

(2.) A contract of sale may be absolute or conditional.

(3.) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called a sale; but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled the contract is called an agreement to sell.

(4.) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

Capacity to buy and sell.

4. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Provided that where necessaries are sold and delivered to an infant or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of the sale and delivery.

Formalities of the contract.

Contract of sale how made.

5. Subject to the provisions of this Act and of any statute in that behalf, a contract of sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties.

Provided that nothing in this section shall affect the law relating to corporations.

*Sale of Goods Act.**Subject matter of contract.*

6. (1.) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Act called "future goods." Existing or future goods.

(2) There may be a contract for the sale of goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

7. Where there is a contract for the sale of specific goods, and the goods without the knowledge of the seller have perished at the time when the contract is made, the contract is void. Goods which have perished.

8. Where there is an agreement to sell specific goods, and subsequently the goods, without any fault on the part of the seller or buyer, perish before the risk passes to the buyer, the agreement is thereby avoided. Goods perishing before sale, but after agreement to sell.

The price.

9. (1.) The price in a contract of sale may be fixed by the contract, or may be left to be fixed in manner thereby agreed, or may be determined by the course of dealing between the parties. Ascertainment of price.

(2.) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

10. (1.) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party, and such third party cannot or does not make such valuation, the agreement is avoided; provided that if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor. Agreement to sell at valuation.

(2.) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault.

*Sale of Goods Act.**Conditions and warranties.*

Stipulation as to time of payment.

11. (1) Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract.

(2.) In a contract of sale “month” means *prima facie* calendar month.

When condition to be treated as warranty.

12. (1) (a.) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition, or may elect to treat the breach of such condition as a breach of warranty, and not as a ground for treating the contract as repudiated.

(b) Whether a stipulation in a contract of sale is a condition, the breach of which may give rise to a right to treat the contract as repudiated, or a warranty, the breach of which may give rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated, depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract.

(c) Where a contract of sale is not severable, and the buyer has accepted the goods, or part thereof, or where the contract is for specific goods, the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller, can only be treated as a breach of warranty, and not as a ground for rejecting the goods and treating the contract as repudiated, unless there be a term of the contract, express or implied, to that effect.

(2) Nothing in this section shall affect the case of any condition or warranty fulfilment of which is excused by law by reason of impossibility or otherwise.

Implied undertaking as to title &c.

13. In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is—

(1.) An implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass :

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods :

Sale of Goods Act.

(3) An implied warranty that the goods shall be free from any charge or incumbrance in favour of any third party not declared or known to the buyer before or at the time when the contract is made.

14. Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description; and if the sale be by sample as well as by description it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description. Sale by description.

15. Subject to the provisions of this Act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows:— Implied conditions as to quality or fitness.

(1.) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose, provided that in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose;

(2) Where goods are bought by description from a seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality; provided that if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed;

(3.) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(4.) An express warranty or condition does not negative a warranty or condition implied by this Act unless inconsistent therewith.

Sale by sample.

16. (1.) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect. Sales by sample.

Sale of Goods Act.

(2) In the case of a contract for sale by sample—

(a.) There is an implied condition that the bulk shall correspond with the sample in quality :

(b.) There is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample :

(c.) There is an implied condition that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

EFFECTS OF THE CONTRACT.

Transfer of property as between seller and buyer.

Goods must be ascertained.

17. Where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained.

Property passes when intended to pass.

18. (1.) Where there is a contract for the sale of specific or ascertained goods the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2.) For the purpose of ascertaining the intention of the parties regard shall be had to the terms of the contract, the conduct of the parties, and the circumstances of the case.

Rules for ascertaining intention.

19. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

Rule 1.—Where there is an unconditional contract for the sale of specific goods in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment or the time of delivery, or both, be postponed.

Rule 2.—Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing be done, and the buyer has notice thereof.

Rule 3.—Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to

Sale of Goods Act.

weigh, measure, test, or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing be done, and the buyer has notice thereof.

Rule 4.—When goods are delivered to the buyer on approval or “on sale or return” or other similar terms the property therein passes to the buyer—

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction :

(b) If he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 5.—(1) Where there is a contract for the sale of unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be given either before or after the appropriation is made :

(2) Where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract.

20. (1) Where there is a contract for the sale of specific goods or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled. In such case notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled. Reservation of right of disposal.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is prima facie deemed to reserve the right of disposal.

Sale of Goods Act.

(3) Where the seller of goods draws on the buyer for the price, and transmits the bill of exchange and bill of lading to the buyer together to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honour the bill of exchange, and if he wrongfully retains the bill of lading the property in the goods does not pass to him.

Risk prima facie passes with property. **21.** Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not.

Provided that where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party.

Transfer of title.

Sale by person not the owner. **22.** (1) Subject to the provisions of this Act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Provided also that nothing in this Act shall affect—

(a) The provisions of any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof ;

(b.) The validity of any contract of sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Sale under voidable title. **23.** When the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

Sale of Goods Act.

24. (1.) Where goods have been stolen and the offender is prosecuted to conviction, the property in the goods so stolen re-vests in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them. Re-vesting of property in stolen goods on conviction of offender.

(2.) Notwithstanding any enactment to the contrary, where goods have been obtained by fraud or other wrongful means not amounting to larceny, the property in such goods shall not re-vest in the person who was the owner of the goods, or his personal representative, by reason only of the conviction of the offender.

25. (1.) Where a person having sold goods continues or is in possession of the goods, or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorised by the owner of the goods to make the same. Seller or buyer in possession after sale.

(2.) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods, or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

(3) In this section the term "mercantile agent" shall mean a mercantile agent having in the customary course of his business as such agent authority either to sell goods, or to consign goods for the purpose of sale, or to buy goods, or to raise money on the security of goods.

26. (1.) A writ of fieri facias or other writ of execution against goods shall bind the property in the goods of the execution debtor as from the time when the writ is delivered to the sheriff to be executed; and, for the better manifestation of such time, it shall be the duty of the sheriff, without fee, upon the receipt of any direction to levy such writ, to endorse upon the back thereof the hour, day, month, and year when he received the same. Effects of writs of execution.

Sale of Goods Act.

Provided that no such writ shall prejudice the title to such goods acquired by any person in good faith and for valuable consideration, unless such person had at the time when he acquired his title notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff.

(2.) In this section the term "sheriff" includes any officer charged with the enforcement of a writ of execution.

(3.) In this section the expression "delivered to the sheriff to be executed" shall mean in the case of an execution by the Provost Marshal, when the execution creditor or his agent shall direct the Provost Marshal to levy the execution in accordance with the provisions of the Provost Marshal's Act, 1904; provided always that in case the direction to levy, or the levy, is withdrawn, the goods of the execution debtor shall not be deemed to be bound by such execution or by any other execution which by the practice of the Provost Marshal's Office may have been deemed to have been levied, until such execution or such other executions as aforesaid shall be actually directed to be levied by the execution creditor as aforesaid.

PART III.

PERFORMANCE OF THE CONTRACT.

Duties of seller and buyer.

27. It is the duty of the seller to deliver the goods and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

Payment and delivery are concurrent conditions.

28. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Rules as to delivery.

29. (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, the place of delivery is the seller's place of business, if he have one, and if not, his residence: provided that if the contract be for the sale of specific goods, which to the knowledge of the parties when the contract is made are in some other place, then that place is the place of delivery.

Sale of Goods Act.

(2) Where under the contract of sale the seller is bound to send the goods to the buyer but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf; provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

30. (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he must pay for them at contract rate. Delivery of wrong quantity.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

31. (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments. Instalment deliveries.

(2) Where there is a contract for the sale of goods to be delivered by stated instalments which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case, depending on the terms of the contract and the circumstances of the case, whether the breach of contract is a repudiation of the whole con-

Sale of Goods Act.

tract or whether it is a severable breach giving rise to a claim for compensation but not to a right to treat the whole contract as repudiated.

Delivery to carrier.

32. (1) Where, in pursuance of a contract of sale, the seller is authorised or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is *prima facie* deemed to be a delivery of the goods to the buyer.

(2) Unless otherwise authorised by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer by a route involving sea transit, under circumstances in which it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their sea transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during sea transit.

Risk where goods are delivered at distant place.

33. Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must, nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

Buyer's right of examining the goods.

34. (1) Where goods are delivered to the buyer which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

Acceptance.

35. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the

Sale of Goods Act.

ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

36. Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them. Buyer not bound to return rejected goods.

37. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods; provided that nothing in this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract. Liability of buyer for neglecting or refusing delivery of goods.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

38. (1) The seller of goods is deemed to be an "unpaid seller" within the meaning of this Act,— Unpaid seller defined.

(a) When the whole of the price has not been paid or tendered;

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise.

(2) In this part of this Act the term "seller" includes any person who is in the position of a seller, as for instance an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price.

39. (1) Subject to the provisions of this Act, and of any statute in that behalf, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law— Unpaid seller's rights.

(a) A lien on the goods or right to retain them for the price while he is in possession of them;

Sale of Goods Act.

(b) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them ;

(c) A right of re-sale as limited by this Act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

Unpaid seller's lien.

Seller's lien.

40. (1) Subject to the provisions of this Act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely : —

(a) Where the goods have been sold without any stipulation as to credit ;

(b) Where the goods have been sold on credit, but the term of credit has expired ;

(c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyers.

Part delivery.

41. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien or retention on the remainder, unless such part delivery has been made under such circumstances as to show an agreement to waive the lien or right of retention.

Termination of lien.

42. (1) The unpaid seller of goods loses his lien or right of retention thereon—

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods ;

(b) When the buyer or his agent lawfully obtains possession of the goods ;

(c) By waiver thereof.

(2) The unpaid seller of goods having a lien or right of retention thereon does not lose his lien or right of retention by reason only that he has obtained judgment for the price of the goods.

*Sale of Goods Act.**Stoppage in transitu.*

43. Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods as long as they are in course of transit and may retain them until payment or tender of the price. Right of stoppage in transitu.

44. (1) Goods are deemed to be in course of transit from the time when they are delivered to a carrier, by land or water, or other bailee for the purpose of transmission to the buyer until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee. Duration of transit.

(2) If the buyer, or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination the transit is at an end.

(3) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer, or his agent, that he holds the goods on his behalf and continues in possession of them as bailee for the buyer, or his agent, the transit is at an end, and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(4) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, the transit is not deemed to be at an end, even if the seller has refused to receive them back.

(5) When goods are delivered to a ship chartered by the buyer it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier, or as agent to the buyer.

(6) Where the carrier or other bailee wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf, the transit is deemed to be at an end.

(7) Where part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement to give up possession of the whole of the goods.

Sale of Goods Act.

How stoppage in transitu is effected.

45. (1) The unpaid seller may exercise his right of stoppage in transitu either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice to be effectual must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must re-deliver the goods to, or according to the directions of, the seller. The expenses of such re-delivery must be borne by the seller.

Re-sale by buyer or seller.

Effect of sub-sale or pledge by buyer.

46. Subject to the provisions of this Act, the unpaid seller's right of lien or retention or stoppage in transitu is not affected by any sale or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

Provided that where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, then, if such last-mentioned transfer was by way of sale the unpaid seller's right of lien or retention or stoppage in transitu is defeated, and if such last-mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or retention or stoppage in transitu can only be exercised subject to the rights of the transferee.

Sale not generally rescinded by lien or stoppage in transitu.

47. (1) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage in transitu.

(2) Where an unpaid seller who has exercised his right of lien or retention or stoppage in transitu re-sells the goods, the buyer acquires a good title thereto as against the original buyer.

(3) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to re-sell, and the buyer does not within a reasona-

Sale of Goods Act.

ble time pay or tender the price, the unpaid seller may re-sell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.

(4.) Where the seller expressly reserves a right of re-sale in case the buyer should make default, and on the buyer making default, re-sells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim the seller may have for damages.

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.

Remedies of the seller.

48. (1.) Where, under a contract of sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may maintain an action against him for the price of the goods. Action for price.

(2.) Where, under a contract of sale, the price is payable on a day certain irrespective of delivery, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract.

49. (1.) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for the damages for non-acceptance. Damages for non-acceptance.

(2.) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3.) Where there is an available market for the goods in question the measure of damages is prima facie to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

Remedies of the buyer.

50. (1.) Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery. Damages for non-delivery.

Sale of Goods Act.

(2.) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3.) Where there is an available market for the goods in question the measure of damages is prima facie to be ascertained by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Specific
performance.

51. In any action for breach of contract to deliver specific or ascertained goods the court may, if it thinks fit, on the application of the plaintiff, by its judgment direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on payment of damages. The judgment may be unconditional, or upon such terms and conditions as to damages, payment of the price, and otherwise, as to the court may seem just, and the application by the plaintiff may be made at any time before judgment.

Remedy for
breach of
warranty.

52. (1.) Where there is a breach of warranty by the seller, or where the buyer elects, or is compelled, to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods; but he may

(a) set up against the seller the breach of warranty in diminution or extinction of the price; or

(b) maintain an action against the seller for damages for the breach of warranty.

(2.) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(3.) In case of breach of warranty of quality such loss is prima facie the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

(4.) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage.

Interest and

special damages. **53.** Nothing in this Act shall affect the right of the buyer or the seller to recover interest or special damages in

Sale of Goods Act.

any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI.

SUPPLEMENTARY.

54. Where any right, duty, or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement, or by the course of dealing between the parties, or by usage, if the usage be such as to bind both parties to the contract. Exclusion of implied terms and conditions.

55. Where, by this Act, any reference is made to a reasonable time the question what is a reasonable time is a question of fact. Reasonable time a question of fact.

56. Where any right, duty, or liability is declared by this Act, it may, unless otherwise by this Act provided, be enforced by action. Rights, &c. enforceable by action.

57. In the case of a sale by auction—

Auction sales.

(1.) Where goods are put up for sale by auction in lots, each lot is *prima facie* deemed to be the subject of a separate contract of sale ;

(2.) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made any bidder may retract his bid ;

(3.) Where a sale by auction is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person. Any sale contravening this rule may be treated as fraudulent by the buyer ;

(4.) A sale by auction may be notified to be subject to a reserved or upset price, and a right to bid may also be reserved expressly by or on behalf of the seller.

Where a right to bid is expressly reserved, but not otherwise, the seller or any one person on his behalf may bid at the auction.

Sale of Goods Act.

Payment into court when breach of warranty alleged.

58. Where a buyer has elected to accept goods which he might have rejected and to treat a breach of contract as only giving rise to a claim for damages, he may, in an action by the seller for the price, be required, in the discretion of the court before which the action depends, to pay into court the price of the goods, or part thereof, or to give other reasonable security for the due payment thereof.

Savings.

59. (1.) The rules in bankruptcy relating to contracts of sale shall continue to apply thereto, notwithstanding anything in this Act contained.

(2.) The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, and in particular the rules relating to the law of principal and agent and the effect of fraud, misrepresentation, duress or coercion, mistake or other invalidating cause, shall continue to apply to contracts for the sale of goods.

(3.) Nothing in this Act or in any repeal effected thereby shall affect the enactments relating to bills of sale, or any enactment relating to the sale of goods which is not expressly repealed by this Act.

(4.) The provisions of this Act relating to contracts of sale do not apply to any transaction in form of a contract of sale which is intended to operate by way of mortgage, pledge, charge, or other security.

An Act to Consolidate the Acts remedying sundry Inconveniences arising to Her Majesty's Forces, and regulating and restricting the Wearing of Naval and Military Uniforms in this Island.

[4th July 1895.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Uniforms and Military Desertion (Prevention) Act, 1895.

*Uniforms &c., Act.***2.** In this Act—

The expression “Her Majesty’s military forces” means the regular forces, the reserve forces, and the auxiliary forces within the meaning of the Army Act, other than the naval coast volunteers and the naval volunteers; Interpretation.

The expression “Her Majesty’s naval forces” means the navy, the naval coast volunteers, and the naval volunteers.

3. (1.) It shall not be lawful for any person not serving in Her Majesty’s military forces to wear without Her Majesty’s permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform. Military uniforms not to be worn without authority. Provided that this enactment shall not prevent any person from wearing any uniform or dress in the course of a stage play performed in any place or in the course of a music hall or circus performance or in the course of any bona fide military representation.

(2.) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds.

4. If any person not serving in Her Majesty’s naval or military forces wears without Her Majesty’s permission the uniform of any of those forces or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month. Penalty for bringing contempt on uniform.

5. (1.) If any person shall harbour, conceal, or assist any deserter from Her Majesty’s service, knowing him to be such, the person so offending shall for every such offence forfeit the sum of ten pounds, and if any person shall knowingly detain, buy, or exchange or otherwise receive any arms, clothes, linen, caps, shoes or other apparel belonging to Her Majesty from any soldier or deserter or from any other person upon any account or pretence whatsoever, or cause the colour of such clothes to be changed, or the marks in such clothes or linen to be picked out or altered, the person so offending shall forfeit for every such offence the sum of ten pounds. Penalty for harbouring a deserter, or buying arms or apparel.

Uniforms &c., Act.

Recovery and disposal of penalties.

(2.) The penalties under this section may be recovered in a summary manner before a Police Magistrate, on the complaint of any person, and paid one half to the complainant, and the residue into the Treasury to the credit of the general revenue.

1895—4.

An Act to provide for the erection and maintenance of a Central Sugar Factory.

[6 September 1895.]

Preamble.

WHEREAS it is deemed expedient that the Government should aid the erection of a Central Sugar Factory, as a pioneer factory: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Central Sugar Factory Act, 1895.

Power of Executive Committee to aid erection of a central factory.

2. The Executive Committee are hereby authorised to raise in such manner as the Legislature may hereafter determine a sum not exceeding fifty thousand pounds, and lend the same to the owners of any group of sugar plantations who can comply with the following conditions, namely:—

(1.) Such group of plantations must be capable of supplying not less than fifteen hundred acres of canes in each year for manufacture into sugar at the factory.

(2.) The owner of each plantation in such group must, with the consent of the mortgagees, incumbrancers, and lienholders against such plantation, enter into a contract with the Governor-in-Executive Committee to plant and cultivate in a husband-like manner, and to deliver during the usual reaping season and manufacture at the factory, the number of acres of canes that may be allotted to him, as a member of the group, to plant and cultivate. Such contract shall continue in force until the moneys advanced by the Executive Committee under the provisions of this Act have been repaid.

(3.) The consent of the mortgagees, incumbrancers, and lienholders against a plantation whose names and addresses are known by the owner thereof shall be obtained

Central Sugar Factory Act.

in writing, but if the name or address of any person entitled to or interested in any mortgage, incumbrance, or lien cannot be ascertained by such owner then, in lieu of such consent in writing, the owner of such plantation may cause an advertisement to be inserted in three consecutive issues of the Official Gazette giving notice to the person holding liens against such plantation of his intention to enter into such contract as aforesaid; and every such advertisement shall state the names of the other owners intending to become members of the group applying for government aid to erect the factory, and also the names of the several plantations embraced in the group. If within four months of the publication of the last of such Gazettes any mortgagee, incumbrancer, or lienholder against such plantation whose name or address is as aforesaid unknown and cannot be ascertained shall not in writing, signed by himself or his agent and addressed to the Executive Committee and sent to the Colonial Secretary, object to such owner entering into such contract as aforesaid, such mortgagee, incumbrancer, or lienholder shall be deemed to have consented to such owner entering into such contract as aforesaid.

Provided always that if more than one group of owners apply to the Executive Committee for such loan, the Executive Committee shall determine to which group the loan is to be made, and shall not be bound to make any loan if satisfied that the factory cannot successfully be worked in the locality and under the circumstances affecting the group of plantations in question.

3. When any such contract has been entered into, the burthen and benefit thereof shall run with the land; and it shall be binding on and enjoyed by every person, including any receiver thereof appointed by the Court of Chancery, who at the date of such contract has or is entitled to or shall thereafter in any way acquire any estate or interest in or is or shall thereafter be in possession of the said plantation. Contract to run with land.

4. The Court of Chancery may authorise such contract to be made in respect of settled estates; and the provisions of sections two, three, ten, eleven, twenty two to twenty seven (both included), twenty nine and thirty two, thirty nine to forty three, (both included), forty six, forty nine to fifty two (both included), and fifty four of the Settled Estates Act, 1906, shall, so far as applicable, be observed in the making of such contract, and when in any of the said sections the word "lease" occurs such contracts as mentioned in this Act shall be deemed to be intended. Contract in case of settled estates.

Central Sugar Factory Act.

Contract in case of plantation in Court of Chancery.

5. In the case of a plantation cultivated and managed under the control of the Court of Chancery, the Court may on the application of any person interested in such plantation authorise the receiver of such plantation, on obtaining the consent hereinafter mentioned, to enter into such a contract ; and the contract executed by such receiver shall have the same validity and effect in all respects as it would have if such receiver were at the time of the execution thereof the owner of such plantation. The receiver shall before entering into such contract obtain the consent of the mortgagees, incumbrancers, and lienholders in the same manner as the owner is required to obtain such consent.

Trustees' power to make contract.

6. It shall be lawful for any trustees or trustee, corporation, or society having money subject to the trust, or belonging to the corporation or society (as the case may be), invested on security on or over any plantation to consent to any such contract as aforesaid being made between the owner and the Executive Committee, and the responsibility of such trustees or trustee, corporation or society, shall not be increased by reason of their having given such consent.

Penalty on failure to fulfil contract.

7. (1.) Any owner as aforesaid or receiver or other person in possession of a plantation who shall, through any act or default of his, fail to deliver during the usual reaping season for manufacture at the factory any canes for the planting, cultivating, and delivery of which at the factory a contract has previously been made, shall be liable to a penalty at the rate of three pounds per acre for each acre, or part of an acre, that he shall fail to deliver ; such penalty shall be recovered in a summary manner before a Police Magistrate on the complaint of the directors of the factory, and shall be paid into the Treasury to be applied for the benefit of the factory in such manner as the Executive Committee may determine.

(2.) If any penalty incurred under the preceding subsection is not recovered and paid into the Treasury as aforesaid, the same shall become an equitable lien on the plantation in respect of which the breach of contract has occurred for the benefit of the Executive Committee ranking immediately after all other liens then existing thereon ; and the directors of the factory are hereby empowered and required on the demand of the Executive Committee to take proceedings to enforce such lien.

Factory and appurtenances.

8. The land on which the said factory shall be erected shall be acquired by the Executive Committee under the

Central Sugar Factory Act.

provisions of the Compulsory Powers (Land) Act 1888, and paid for out of the said sum of fifty thousand pounds, and the said land and all buildings, machinery, and erections thereon, and all tramways, engines, appliances, and things purchased out of the said fifty thousand pounds, or used in connection with the said factory, shall be the property of the Executive Committee until the purchase money of the same shall be repaid to the Executive Committee as herein-after is provided.

property of
Executive Com-
mittee until
advance repaid

9. The materials, machinery, and things imported for the erection and working of the said factory shall not be exempt from import duty, if liable ordinarily to such duty; and the said factory shall not be exempt from parochial, highway, or police taxes, if otherwise liable, on the ground that it is the property of the Executive Committee.

Materials and
factory not
exempt from
taxation.

10. The directors shall have a lien and a power of sale on the sugar manufactured at the factory for the purpose of securing (1) the payment of the interest on the moneys advanced by the Executive Committee, (2) the sinking fund, (3) the repairs and renewals fund, (4) the cost of manufacture, and (5) the taxes, and such lien shall rank before every other lien or claim whatsoever whenever created and whether created by or under the Agricultural Aids Act 1905, or any other Act of the Legislature, or by or under any contract or agreement or any rule of court or by operation of any rule of law or equity.

Lien and power
of sale to secure
certain pay-
ments.

And the directors shall on every occasion on which any sugar is manufactured for any plantation under this Act retain possession of so much of that sugar as is required to pay the estimated proportionate part of the several sums hereinbefore mentioned for which such sugar is liable and is subject to the aforesaid lien, and if such estimated proportionate part of the said several sums is not paid to them within three weeks after such sugar is retained by them, shall sell the sugar retained and apply the proceeds of sale in payment of the said moneys.

11. When and so soon as the sinking fund is sufficient to repay the moneys raised and advanced by the Executive Committee as aforesaid, such fund shall be applied in repaying such moneys; and thereupon the factory, tramways, engines, and things shall be given up by the Executive Committee to such persons as the then owners may determine.

Repayment of
loan.

Central Sugar Factory Act.

Appointment of directors.

12. The factory shall be erected, maintained, managed, and worked by a board of seven directors, to be appointed annually, five by the owners of the said group of plantations, and two by the Executive Committee.

Payment of interest and sinking fund and provision for renewals and repairs.

13. The directors shall pay into the Treasury either yearly or half yearly on such dates as the Executive Committee shall by regulation determine to the credit of the central factory —

(1) the interest on the moneys raised and advanced by the Executive Committee as aforesaid to the said owners from the date of raising the same ;

(2) a sum not exceeding one thousand five hundred pounds and not less than one thousand pounds (as the Executive Committee may determine) towards the sinking fund ; and

(3) the taxes payable by the Executive Committee in respect of the factory and its appurtenances.

The directors shall also form and maintain a fund for repairs and renewals ; and shall place to the credit thereof a sum not exceeding ten shillings in respect of each ton of sugar manufactured at the factory. The Executive Committee shall from time to time by regulation determine what such sum shall be.

Cost of loan and interest during construction.

14. (1) The cost if any of raising the loan for the erection of the factory shall be borne by the owners of the said group of plantations, and shall be deducted out of the moneys raised.

(2) The interest on the loan for the first year after it is raised shall be paid out of the loan unless the factory shall have been erected in time for a crop to be reaped, in which case the interest for the first year shall be paid as provided for in section thirteen.

(3) The Executive Committee shall retain in the Treasury out of the moneys raised under this Act a sum sufficient to pay the cost, if any, of raising the loan and the interest on the loan for the first year ; provided always that if the interest on the loan for the first year is subsequently paid as provided for in section thirteen, then the sum retained under this subsection for the payment of such interest shall be paid to the directors of the factory to be applied by them as part of its earnings for that year.

Plans and specifications.

15. The money for the erection of the factory and appurtenances shall not be advanced unless and until the

Central Sugar Factory Act.

group of owners selected by the Executive Committee shall have submitted plans and specifications of the proposed factory and works, and a statement in writing shewing the nature and cost of the buildings, machinery, and tramways, and the system of manufacture to be adopted, and such other particulars as the Executive Committee may determine, and unless and until such expert as hereinafter mentioned has reported that the plans, specifications, and statement are in his opinion satisfactory, and that the cost is correctly stated, and unless such cost does not exceed the sum immediately available under this Act for paying for such buildings, machinery, and tramways. The Executive Committee shall obtain the opinion of a competent person on such plans, specifications, and statement, and the cost of such opinion shall be paid out of the Public Treasury, but in the event of the factory being erected shall be deducted from the moneys raised for the purposes of this Act, and shall be deemed part of the cost of the factory.

16. The books and accounts of the factory shall be audited yearly by an auditor to be appointed by the Executive Committee and paid by the directors. The directors shall submit an annual report to the Legislature showing the working of the factory generally and such details as the Executive Committee may require. Auditing of accounts.

17. It shall be lawful for the directors to lay down tramways to facilitate the delivery of the canes to the factory, and such tramways may be constructed, subject to the provisions hereinafter mentioned, on and across public roads, and if any lands owned by persons other than those forming the group of owners as aforesaid shall intervene between one or more of the plantations of such group of owners, it shall be lawful to construct such tramways subject to the provisions hereinafter mentioned across such intervening lands. Section two, sections fifteen to twenty four (both included), sections forty one, forty two, forty four, forty six and forty eight, and sections fifty to fifty three (both included) of the Bridgetown Tramways Company, Limited, Act 1911 shall be incorporated with this Act and shall continue to be so incorporated notwithstanding that such Act may be subsequently repealed; and the tramways authorised by this Act on and across public roads shall be constructed and maintained subject to and in accordance with the provisions regulations and restrictions contained in the said sections of the said Act; and the Commissioners of Roads shall in respect of such tramways have the same Tramways.

Central Sugar Factory Act.

powers as are conferred on them by sections twenty eight and twenty nine of the said Act in respect of tramways constructed under its provisions. Sections thirty-two to forty (both included), forty five to ninety five (both included) and one hundred and twenty four to one hundred and fifty one (both included), and sections one hundred and seventy five, one hundred and seventy eight, one hundred and seventy nine, one hundred and eighty one, one hundred and eighty eight, one hundred and eighty nine, one hundred and ninety one, one hundred and ninety three, one hundred and ninety nine, and two hundred and thirteen of the Barbados Railway Company's Act, 1873, shall be incorporated with this Act and shall continue to be so incorporated notwithstanding that such Act may be subsequently repealed, the word "Tramway" being substituted for the word "Railway;" and the tramways authorised by this Act across the lands of any plantation shall be constructed subject to and in accordance with the provisions, regulations, and restrictions contained in the said sections of the said last-mentioned Act.

Regulations.

18. The Executive Committee may make regulations relating to :—

(1) the manner in which the moneys authorised by this Act may be advanced to the said owners for the erection of the said factory and tramways ;

(2) the form of contract hereinbefore mentioned ;
and

(3) any other matter or thing relating to the subject matter of this Act.

Such rules when they shall have received the sanction of the Legislature shall have the force and effect of law.

An Act to impose an Estate Duty in respect of such Property of Persons Residing out of this Island as is situate in this Island and passes on the death of such persons.

[23 September 1895.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Estate Duty on Absentees Act.

1. This Act may be cited as the Estate Duty on Absentees Act, 1895. Short title.

2. (1) On the death of any person whose property in Barbados would be liable to a duty in England under the Finance Act, 1894, a duty called "estate duty" shall be payable to the Colonial Treasurer for the benefit of the general revenue in respect of all property of such person which is situate in this Island and passes on the death of such person. Estate duty, in what cases payable.

(2) The amount of such duty shall be the same as if this Act had not been passed and section twenty of the Finance Act 1894 of the United Kingdom had not been applied to this Island, would have been payable in England in respect of such property under the said Finance Act 1894, or any Act or Acts which may hereafter be passed altering or amending the same. Amount of such duty.

(3) Such duty shall be payable in respect of the same property, and under the same circumstances, and subject to the same conditions and in all respects (save and except so far as the mode of payment and recovery of the same are concerned) as estate duty would be payable in England under the said Finance Act 1894, or any Act or Acts hereafter passed amending the same, if such property were situate in England. In respect of what property payable.

(4) The executor or administrator of the deceased person whose property is liable to duty under this Act, or if his estate is unrepresented, then the persons beneficially interested therein, shall within six months after the date of his decease make out and deliver to the Colonial Treasurer a statement showing the property in respect of which such duty is payable and the amount of duty to be paid, and shall at the same time pay to the Colonial Treasurer the amount of such duty out of any available assets in his hands. Duty of executor &c., as to payment thereof.

(5) Any person omitting to make such statement as aforesaid or making any omission or misstatement therein shall be liable to a penalty not exceeding one hundred pounds recoverable in a summary manner. Penalty.

1895—6.

Gaugers Act.

1895—6.

An Act to make provision for the Examination of and Granting Certificates of competency to persons desiring to exercise the calling of Gaugers.

[23 September 1895.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Gaugers Act, 1895.

Examination and certificates of gaugers.

2. Any person desiring to obtain a certificate of his competency to perform the duties attached to the calling of gauger who shall produce to the Colonial Secretary sufficient testimonials of good character, and who shall, on the approval of such testimonials, pay into the Treasury the sum of two pounds which shall include the examination fee, shall be examined by a competent person to be appointed by the Governor as to his theoretical and practical knowledge of the method of gauging casks and vessels of all descriptions, and on his satisfying such examiner shall receive a certificate of competency under the hand and seal of the Governor and signed by the examiner.

Fee for examination.

3. The fee to be paid for the examination of each candidate for such certificate shall be the sum of one pound.

Rules and regulations.

4. (1) The Governor-in-Executive Committee may make regulations with respect to—

(a) the tests to be employed to prove the competency of any person to perform the duties attached to the calling of gauger;

(b) the form of certificate of competency; and

(c) any other matter or thing relating to the efficient carrying out of this Act.

(2) All such regulations shall be published in the Official Gazette and thereafter shall have the force of law.

1895—7.

An Act for the Prevention of Accidents arising from the use of Martholes.

[24 September 1895.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Marlholes Act.

1. This Act may be cited as the Marlholes Act, 1895. Short title.
2. In this Act the term “marlhole” includes every pit or opening from which stone, lime, marl, gravel or sand is obtained. Definition.
3. Every owner or occupier of a marlhole who uses the same or permits the use thereof in any case shall without delay and as often as may be necessary remove any overhanging part thereof which is likely to cause danger to any person employed by the owner or occupier of such marlhole or working in the same with his permission or otherwise prevent such overhanging part being a cause of danger. Precaution to be taken by owner &c., of marlhole (1) who permits the use thereof ;
4. Every owner or occupier of a marlhole having in any part an overhanging roof, who neither uses nor permits in any case the use of the said marlhole, shall as often as is necessary either remove the overhanging roof or properly fence the said marlhole so as to prevent persons going therein, or give some notice near the entrance thereof that the use of such marlhole is dangerous, which notice shall exempt the owner or occupier from all liability for any accident happening in such marlhole ; provided always that the giving annually of one such notice shall be deemed to be a sufficient compliance with the provisions of this section. (2) who does not permit the use thereof.
5. Every person failing to comply with section three shall be liable to a penalty not exceeding five pounds, and every person failing to comply with section four, to a penalty not exceeding one pound. Penalties.
6. (1) Every offence under this Act may be prosecuted in a summary manner before a Police Magistrate on the complaint of a police officer ; and in any prosecution under section three of this Act if any overhanging part of a marlhole be proved to have fallen this fact shall be prima facie evidence that such part was likely to cause danger to any person working or being in such marlhole. Prosecution of offences.
- (2) Any summons issued for any offence under this Act may be served if the owner or occupier cannot be found or is not in this Island by leaving such summons with the attorney, agent, or manager of the owner or occupier, as the case may be.
7. Nothing in this Act contained shall diminish any liability to which any person owning or occupying a marlhole is now subject. Saving

1896—1.

Garnes Trust Property (St. Philip's) Act.

1896—1.

An Act to vest certain Lands and hereditaments and certain sums of Money and the securities for the same in the Rector for the time being of the parish of Saint Philip and the Vicars for the time being of Holy Trinity and Saint Martin's Chapels in that parish upon certain Trusts declared of and concerning the same in and by the will of Rebecca Garnes late of this Island, widow, deceased, and to make other provisions with respect to the same trust property.

[23 January 1896]

Preamble.

Petition setting forth charitable trusts created by the will of the late Rebecca Garnes.

WHEREAS the Reverend Canon Edward Lisle Smith, Rector of the parish of Saint Philip, and the Reverend Henry Collymore, Vicar of Holy Trinity Chapel in the same parish, have by their humble petition to the Legislature of this Island represented that Rebecca Garnes of the parish of Saint Philip and Island of Barbados aforesaid, widow, some time previous to her decease duly made and published her last will dated the twenty third day of January one thousand eight hundred and sixty four which will contained the following paragraphs namely,

“ Item. Whereas I some years ago owned and possessed a certain landed estate in this parish and Island containing thirteen acres or thereabouts be the same more or less (the boundaries of the land referred to by the testatrix being now the public road, lands of Sandford plantation, and lands of Holy Trinity Chapel on the east, lands of Ruby plantation on the south and west, and the public road and lands of the said Sandford plantation on the north) in my own right, and through certain considerations thought proper to transfer and make over the same unto my nephew Robert Thomas Outram from and immediately after my death freely giving the same unto him and his heirs and assigns for ever by a certain deed or instrument in writing duly proved and recorded as may be seen by reference to the Secretary's Office in this Island, and my nephew referred to has by his will and testament lately executed freely given devised and bequeathed the same to me and my heirs and assigns from and after his death, I do therefore hereby order and direct that this much and portion of my estate in expectancy shall in the event of my nephew aforesaid making no alteration in his will, be dealt with and used and appropriated to the following charitable purposes that is to say; the said land shall at all times for ever stand rented out to the best advantage and the rents yearly and every year when received

Garnes Trust Property (St. Philip's) Act.

paid over to the present Rector and Curate of Holy Trinity Chapel in this parish for the relief of twelve poor creditable widows of the white population of the same who shall be chosen and selected in the following manner, that is to say—three thereof shall be chosen from the southern or Fowl Bay district, three from the eastern or Thicket district, three from the northern or Church district, and three from the Valley or western district, and the said rent shall be equally divided between the said widows share and share alike; and from and after the death of the said Rector or said Curate or death of both of them then the said rent shall be duly and well and truly paid over for the purposes aforesaid unto the successor or successors in office of the said Rector or Curate or Rector and Curate by my qualified acting executor or executors and as often as any one or more of the said widows shall depart this life then another or others shall be chosen to fill the place or places of any such one or more so departed when the same particularity as to district or neighbourhood shall be strictly and carefully observed as to the election of successors for this gift and benefit, and on this condition and for this charitable purpose and such only do I leave, give, devise, and bequeath the aforesaid portion of my aforesaid property fully trusting that every endeavour will be used by those authorised and empowered to carry out in its fullest extent my wish will and desire in this matter. Now I have herein in the former part of this item directed that the rents of the said land shall be yearly and every year when received paid over into the hands of the Rector or Curate aforesaid, but I purpose leaving both the said Rector and Curate as executors to this my last will and testament should they become qualified acting executors to the same, of which I shall be very glad, then of course they will rent out the said land and receive the rents themselves or at least do so in conjunction with my other executors should any other executors also qualify and act to this my last will and in like manner the successors in office of the said Rector and Curate will in this matter be vested at their option with like power and authority and shall in all respects be as fully authorised to rent out the land aforesaid and receive the rents arising therefrom and distribute the same to the widows aforesaid as the present Rector and Curate will be by virtue of these my directions.

*

*

*

Item. I order and direct that my execution debt which I have and hold as a prior lien against Mr. Daniel Humphrey's landed estate shall well and truly pay up the annual

Garnes Trust Property (St. Philip's) Act.

interest that shall yearly and every year become due thereon which interest shall be applied in the following manner that is to say ; to the relief and assistance of twelve more poor objects of the white population of this parish at the discretion of the present Rector and Curate of this parish, and their several and respective successors in office, and I do hereby order that my qualified acting executors or executor shall not at any time remove this my execution debt or sue for the recovery of same as long as the interest thereon shall be paid in manner as aforesaid, it being my will wish and desire, that my friend Mr. Humphrey shall not at any time be inconvenienced to pay up the principal due me, and when the said principal sum shall be paid up or when from the non-payment thereof (I mean of the interest thereon) annually accruing my executors shall find it necessary to demand and call for payment of the principal then the said principal shall be lent out only on landed security, the best that can be obtained for the same, and the same shall be continually kept at interest for the charitable purpose to which I have herein given and devised it and not otherwise.

*

*

*

Item. I freely give devise and bequeath all interest that shall now be due on any debt against my sister's estate as well as all interest that shall thereon become due and owing during the lifetime of my sister as well also as all principal over and above the sum of eight hundred dollars or one hundred and sixty six pounds thirteen shillings and four pence sterling money of this Island. which said sum I do hereby order shall be dealt with and appropriated as follows, and not otherwise, that is to say, firstly, the same shall remain as a lien against my sister's estate and property unless she should like to discharge my said debt by payment thereof, and at the death of my sister should my nephew Robert Thomas Outram survive her then the said debt shall in the event of its not having been paid by my sister remain as a lien against my sister's property free of or from any interest during my said nephew's lifetime but from and after the death of both my sister and nephew then and from thenceforth I do hereby order and direct that the annual interest that shall then yearly and every year accrue and become due thereon shall be applied to the relief and assistance of twelve more poor objects without any restriction whatever as to colour or complexion at the discretion of the Rector of this parish and the Curate of Holy Trinity Chapel in the same who will both be hereinafter named as two of my executors, and from and after the death of the present Rector and Curate

Garnes Trust Property (St. Philip's) Act.

or Rector and Curate then their successors or the successors of either of them shall have the sharing of the aforesaid annual interest between and among twelve poor objects of this parish and shall do the same with the concurrence of any other or others of my executors, and for the charitable purpose hereinafter named and not otherwise do I leave devise and bequeath the aforesaid eight hundred dollars and particularly order that the same shall for this end and purpose be continually kept at interest on good landed security for ever hereafter. Lastly, I nominate and appoint the after-named gentlemen as executors to this my will, hereby revoking and making null and void all former and other wills by me at any time heretofore made to wit Robert Francis King, Rector of this parish, Charles Carter, Curate of Holy Trinity Chapel in this parish, Frederick Watts, and Clement Thomas Fields, Esquires, and do hereby declare this to be my last will and testament."

That the said testatrix, Rebecca Garnes, departed this life in the year one thousand eight hundred and sixty four without having altered or revoked her said will and the same after her decease was duly admitted to probate and recorded in the Colonial Secretary's Office, and the said Frederick Watts alone duly qualified himself to act as executor thereof and had letters testamentary thereon granted unto him, and accepted and took upon himself the trusts of the said will, and the said Frederick Watts survived the other executors named in the said will none of whom qualified themselves to act as executors; that the said Robert Thomas Outram survived the said Rebecca Garnes, but your petitioners are informed that after her decease he made and executed a conveyance of the said land to the said Frederick Watts as trustee as aforesaid upon the trusts declared of and concerning the same in the will of the said Rebecca Garnes, but such conveyance has been lost or mislaid and although diligent search has been made for the same it cannot be found and it does not appear on the records of the Colonial Secretary's Office; that the said Robert Thomas Outram departed this life in the year one thousand eight hundred and sixty five, and from that date the said Frederick Watts as executor and trustee as aforesaid, and after his decease his representatives have been in possession of the said land or in receipt of the rents, issues, proceeds, and profits thereof, which rents and profits have been paid to the Rector of the said parish and the Curate or Vicar of Holy Trinity Chapel in the said parish respectively for the time being and applied by them in accordance with the directions contained in the will of the said

How the trust property has been dealt with.

Garnes Trust Property (St. Philip's) Act.

Rebecca Garnes, deceased; that the said two several debts mentioned in the will of the testatrix and directed to be held upon the trusts aforesaid were afterwards paid up and the same are now invested against "The Farm" plantation situate in the parish of Saint Michael in this Island upon the securities following—(1) The sum of two hundred pounds and interest, part thereof, under and by virtue of a judgment confessed in the Court of Common Pleas for this Island on the seventh day of June, one thousand eight hundred and sixty one, by John Carter then the owner of the said plantation to George Barclay in the said sum of two hundred pounds besides interest and charges, and by the writ of execution which issued thereon and which said sum and the said judgment and execution afterwards by assignment became vested in Edward Gascoigne Watts who by assignment dated the thirteenth day of August, one thousand eight hundred and seventy two transferred the sum of one hundred and sixty-six pounds, thirteen shillings and four pence, part thereof, and interest to the said Frederick Watts as executor and trustee of the will of the said Rebecca Garnes, deceased, to and for and upon the uses intents and purposes mentioned and expressed with regard to the like sum mentioned in the will of the said Rebecca Garnes and the sum of thirty three pounds six shillings and eight pence the balance thereof and interest to the said Frederick Watts, executor as aforesaid, to and for the uses intents and purposes expressed with regard to a sum of two hundred and forty six pounds and eight pence, mentioned in the said will of the said Rebecca Garnes, deceased (meaning the debt owed the testatrix by the said Daniel Humphrey). (2) The sum of two hundred pounds secured under and by virtue of a certain judgment confessed in the said Court of Common Pleas for this Island on the first day of January, one thousand eight hundred and sixty nine, by the said John Carter to Thomas Hardy and Henry Hardy, surviving partners of John Peter Hardy, in the said sum of two hundred pounds besides interest and charges, and by the writ of execution which issued thereon, and which said sum and interest and the securities for the same afterwards became vested in Aubrey St. John Watts, executor of the will of the said Frederick Watts, and as such executor of the will of the said Rebecca Garnes for the uses intents and purposes mentioned in the said will of the said Rebecca Garnes, and (3) the sum of twelve pounds twelve shillings part of a sum of one thousand and eighty nine pounds seventeen shillings (which as explained by the memorandum hereinafter mentioned should

Garnes Trust Property (St. Philip's) Act.

have been one thousand one hundred and twenty three pounds eight shillings and nine pence) secured under and by virtue of a mortgage raised in an indenture of conveyance of the said plantation and hereditaments dated the twenty first day of August one thousand eight hundred and seventy two and made between the said Aubrey St. John Watts of the first part, the said Frederick Watts of the second part, and Hugh William Seale of the third part and vested in the said Frederick Watts, and also secured by a memorandum endorsed on the said indenture and bearing even date therewith and signed by the said parties, and further secured by the judgment of the said Hugh William Seale confessed on the said twenty first day of August one thousand eight hundred and seventy two to the said Frederick Watts for securing the sum of one thousand and eighty nine pounds seventeen shillings (which sum as explained by the said memorandum endorsed on the said indenture of conveyance should have been one thousand one hundred and twenty three pounds eight shillings and nine pence) special against the said plantation and hereditaments which said sum of twelve pounds and twelve shillings afterwards became vested in the said Aubrey St. John Watts as the executor of the said Frederick Watts, who was the executor of the estate of the said Rebecca Garnes, deceased, for the uses intents and purposes mentioned in the said will of the said Rebecca Garnes deceased. And all of the aforesaid several sums are further secured by the decree and Master's reports of debts liens and incumbrances against and affecting, and of the application of the purchase money of, the said "The Farm" plantation in the suit recently depending in the Honourable Court of Chancery for this Island established entitled shortly "Hill et al. vs Seale" and by the conveyance of the said plantation and hereditaments in pursuance of the said decree from the Honourable John Glasgow Grant, Master in Chancery, to Elliott Grasette Louis et al. subject and liable to the payment of the same; that the said Frederick Watts departed this life having previously thereto duly made and published his last will dated the second day of November one thousand eight hundred and seventy two and thereof he appointed the said Aubrey St. John Watts and Edward Gascoigne Watts executors; that after the decease of the said Frederick Watts his said will was duly admitted to probate and recorded in the Colonial Secretary's office here, and the said Aubrey St. John Watts alone qualified himself to act as executor thereof and had letters testamentary thereon granted unto him, whereby he became the executor of the will of the said Rebecca

Garnes Trust Property (St. Philip's) Act.

and the circumstances which have led to the petition being presented.

Garnes, deceased, and he undertook to administer the aforesaid charitable trust and received the rents and profits of the said lands and the interest money from the said debts and paid over the same to the Rector of the said parish of Saint Philip and Curate of the said Holy Trinity Chapel to be applied by them in accordance with the trusts of the will of the said Rebecca Garnes, deceased ; that the said Aubrey St. John Watts recently departed this life and since his decease the said Edward Gascoigne Watts hath qualified himself to act as an executor of the will of the said Frederick Watts, deceased, and had letters testamentary thereon granted unto him whereby he hath become the executor of the will of the said Rebecca Garnes deceased and he hath received certain rents from the said land and hereditaments but he hath not paid over the same to the petitioners although they have applied to him for the same ; that under the provisions of the will of the said Rebecca Garnes the administration of the income of the said trust property is solely vested in the petitioners, and the said will also contemplates their being trustees thereof as regards the said charity trusts, but they are advised that they could not qualify as executors thereof so as to have a controlling power over the trust property, and that if appointed trustees of the said funds new appointments would have to be made whenever they ceased to hold their several offices of Rector and Curates as aforesaid ; that Fowl Bay mentioned in the testatrix's will is now within the district of the Vicar of Saint Martin's Chapel ; that it is expedient that the said trust property should be vested in the persons who are charged with the administration of the same and it is advisable that the Reverend George Edward Elliott, the present Vicar of Saint Martin's Chapel and his successors in office should be associated with them, and it is desired to obtain an Act of the Legislature of this Island vesting the said trust property in the petitioners and the said Vicar of Saint Martin's Chapel and their successors in office upon the trusts of the will of the said Rebecca Garnes, and conferring on them certain additional powers in respect of the administration of the said trust and praying that the Legislature would be pleased to pass an Act vesting the trust property mentioned in the petition in the Rector of the parish of Saint Philip and the Vicars of Holy Trinity and Saint Martin's Chapels for the time being and their successors in office upon the trusts declared of and concerning the same in and by the will of the said Rebecca Garnes, and to confer upon them certain additional powers in respect thereof ; And Whereas it is deemed expedient to grant the prayer of the said

Garnes Trust Property (St. Philip's) Act.

petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:

1. This Act may be cited as the Garnes Trust Property Short title.
(St. Philip's) Act, 1896.

2. Immediately on the passing of this Act the hereinbefore described land with the hereditaments and appurtenances thereon and thereto belonging and the said several sums of two hundred pounds, two hundred pounds, and twelve pounds twelveshillings amounting together to the sum of four hundred and twelve pounds twelve shillings and the interest now due and hereafter to accrue due thereon and the present or any future securities on which the same may be invested, shall without any conveyance or assignment thereof respectively vest and the same are hereby vested in the Rector for the time being of the said parish of Saint Philip and the Vicars for the time being of Holy Trinity and Saint Martin's Chapels in the said parish and their successors in office (hereinafter called "the said trustees") upon the trusts and for the purposes hereinafter declared of and concerning the same.

Vesting of trust property in the Rector of St Philip's and the Vicars of Holy Trinity and St. Martin's as trustees.

3. The said trustees shall let the said land as a whole or in parcels for such period or periods and at such rent or rents and generally upon such terms and conditions as to them shall seem best and they may grant and execute to the tenant or tenants thereof such lease or leases of the said land and hereditaments or any part or parts thereof as may be deemed expedient, or the trustees may manage and cultivate the same or any part or parts thereof.

Trustees' power to lease lands.

4. The said trustees shall at their discretion either keep the said sum of four hundred and twelve pounds twelve shillings or any part or parts thereof upon its present state of investment, or may call in and receive the same or any part or parts thereof and re-invest the same on other securities with power from time to time at their discretion to call in receive and vary and transpose such securities.

Trustees' power to vary investments.

5. The rents, interest, proceeds, and profits to be derived from the said land and hereditaments and money and securities shall be respectively applied in the manner and upon the trusts and for the charitable purposes declared in the will of the said Rebecca Garnes deceased of and concerning the same respectively.

Application of income of trust property.

6. The said trustees may from time to time make such rules and regulations for the conduct of the affairs of the

Rules and regulations.

Garnes Trust Property (St. Philip's) Act.

trust as shall to them seem expedient, provided the same be not inconsistent with the terms of the will of the said Rebecca Garnes, and they may from time to time alter or amend such rules and regulations and make others in the place thereof.

Accounting of persons who have interfered in the trusts.

7. The present executors and trustees of the wills of the said Rebecca Garnes and the said Frederick Watts and all other persons who may have received or administered the said trust property or the income thereof or any part thereof respectively, or otherwise acted as trustees of the said charity, shall account with the said trustees for all moneys which may come to their hands and on duly accounting for such moneys shall be free from all liability on account or by reason of their having in any way acted as trustees of the said charity.

Recovery of moneys found due from them.

8. Any moneys found due from any such person or persons shall be recoverable by the said trustees in the same manner in all respects as if the same were a debt owing to the said trustees.

 1896—2.

An Act to consolidate the Acts providing for the Registration of Marks on Merchandise and for the Protection of the same.

[20 March 1896.]

Preamble.

Whereas it is expedient to provide for the registration of trade marks in this Island and for the protection as well of such trade marks as of trade marks registered or protected in certain other countries: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:

1. This Act may be cited as the Merchandise Marks Act 1896.

PART I.

REGISTRATION OF TRADE MARKS IN THIS ISLAND.

Register of trade marks.

2. A register of trade marks to be registered under this Act and of the proprietors thereof shall be kept at the Registration Office of this Island and such register shall be called "the Register of Barbados Trade Marks"; and the term "Registrar" used in this Act shall mean the Registrar of the Island.

Merchandise Marks Act.

3. There shall be entered in the Register of Barbados Trade Marks a description of registered trade marks and the names and addresses of the proprietors thereof with notifications of any assignments or transmission thereof. Entries in register.

4. The Registrar shall, on the application by or on behalf of any person claiming to be the proprietor of a trade mark now used or desired hereafter to be used in this Island, register the trade mark, but the person making such application shall in his application for registration state that such trade mark is not a trade mark within the meaning of clauses (a) or (b) of subsection (1) of section sixteen of this Act and if, after registration of such trade mark, the Registrar shall be satisfied that such trade mark was at the time of such application or has since become a trade mark within the meaning of either of the clauses aforesaid he shall erase such trade mark and the name of the proprietor thereof out of the register and such erasure shall relate back to the time when such trade mark came within the definition aforesaid and such erasure shall take place whether such trade mark came within such definition before or after such registration and whether the proprietor thereof is the same as the registered proprietor or any other person or persons. Application for registration.

5. The application for registration must be made in the form set forth in the schedule to this Act and must be left at the office of the Registrar. Form of application.

6. (1.) The application for registration must be accompanied by a representation of the trade mark. Conditions of registration.

(2) For the purposes of this Act a trade mark must consist of or contain at least one of the following essential particulars ;

(a) A name of an individual or firm printed, impressed, woven, or blown in glass, in some particular or distinctive manner ; or

(b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark ; or

(c) A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.

(3) There may be added to any one or more of these particulars any letters, words, or figures or combinations of letters, words, or figures or any of them.

7. A trade mark must be registered for particular goods or classes of goods. Connection of trade mark with goods.

Merchandise Marks Act.

Colour of trade mark.

8. A trade mark may be registered in any colour and such registration shall (subject to the provisions of this Act) confer on the registered owner the exclusive right to use the same in that or any other colour.

Advertisement of application.

9. On receipt of an application for registration the Registrar shall advertise in the Official Gazette and one of the newspapers of this island a notice in the form set forth in the schedule to this Act, and such notice shall be advertised in three consecutive numbers of the Official Gazette and such newspaper ; but the Registrar shall not insert such advertisement till the person making the application shall deposit with the Registrar the sums to be charged by the Official Gazette and such newspaper for inserting such advertisement.

Opposition to registration.

10. (1) If no notice of opposition to registration of such trade mark shall be left with the Registrar at his office within one month of the first advertisement of the application in the Official Gazette, then the Registrar shall register such trade mark in the name of the person by or on behalf of whom such application is made.

(2) Any person may within one month of the first advertisement of the application give notice in duplicate at the office of the Registrar of opposition to the registration of the trade mark, and the Registrar shall send one copy of such notice to the applicant.

(3) Within fourteen days after receipt of such notice the applicant may send to the Registrar at his office a counter statement in duplicate of the grounds on which he relies for his application, and if he does not do so shall be deemed to have abandoned his application.

(4) If the applicant sends such counter statement the Registrar shall furnish a copy thereof to the person who gave notice of opposition and shall require him to give security in such manner and to such amount as the Registrar may require for such costs as may be awarded in respect of such opposition, and if such security is not given within fourteen days after such requirement is made the opposition shall be deemed to be withdrawn, and the Registrar shall register such trade mark in the name of the person by or on behalf of whom such application is made.

(5) If the person who gave notice of opposition duly gives such security as aforesaid the Registrar shall inform the applicant thereof in writing, and thereupon the case shall be deemed to stand over till the same has been decided by some court of law or equity.

Merchandise Marks Act.

11. Where each of several persons claims to be register- Conflicting
ed as proprietor of the same trade mark the Registrar shall claims to regis-
refuse to register any of them until their rights have been tration.
determined according to law.

12. (1) Except where a court of law or equity has decided Restrictions on
that two or more persons are entitled to be registered as registration.
proprietors of the same trade mark, the Registrar shall not
register in respect of the same goods or description of goods a
trade mark identical with the one already on the register
with respect to such goods or description of goods.

(2) The Registrar shall not register with respect to
the same goods or description of goods a trade mark so
nearly resembling a trade mark already on the register with
respect to such goods or description of goods as to be calcu-
lated to deceive.

(3) It shall not be lawful to register as part of or
in combination with a trade mark any words the exclusive
use of which would, by reason of their being calculated to
deceive or otherwise, be deemed disentitled to protection in
a court of justice, or any scandalous design.

13. A trade mark when registered shall be assigned Assignment and
and transmitted only in connection with the goodwill of of transmission of
the business concerned in the particular goods or classes of trade mark.
goods for which it has been registered and shall be deter-
minable with that goodwill.

14. The assignment or transmission of every registered Registration of
trade mark shall be entered on the register by the person assignment.
claiming under transmission or assignment, and such person
shall not be entitled to the protection afforded by this Act
till such entry shall be made.

15. The fees mentioned in the schedule shall be paid to Fees.
the Registrar, and shall by him be paid into the Public
Treasury to the credit of the general revenue.

PART II.

PROTECTION OF TRADE MARKS.

16. (1) For the purposes of this part of the Act the Definition
expression "trade mark" includes—

(a) A trade mark registered in the Register of Trade
Marks kept under the Act of the Imperial Parliament com-

Merchandise Marks Act.

monly known and cited as the Patents, Designs, and Trade Marks Act, 1883 ;

(b) A trade mark, which, either with or without registration, is protected by law in any British possession or foreign state to which the provisions of the one hundred and third section of the said Patents, Designs, and Trade Marks Act, 1883, are, under order by Her Majesty in Council for the time being, applicable ;

(c) A trade mark registered in the Register of Barbados Trade Marks.

The expression “trade description” means any description, statement, or other indication, direct or indirect,

(a) as to the number, quantity, measure, gauge or weight of any goods, or

(b) as to the place or country in which any goods were made or produced, or

(c) as to the mode of manufacturing or producing any goods, or

(d) as to the material of which any goods are composed, or

(e) as to any goods being the subject of an existing patent, privilege, or copyright ;

and the use of any figure, word, or mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Act.

The expression “false trade description” means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this Act.

The expression “goods” means anything which is the subject of trade, manufacture, or merchandise.

The expressions “person,” “manufacturer,” “dealer” or “trader,” and “proprietor” include any body of persons, corporate or unincorporate.

The expression “name” includes any abbreviation of a name.

Merchandise Marks Act.

(2) The provisions of this Act respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks or arrangements or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandize of some person other than the person whose manufacture or merchandize they really are.

(3) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression "false name" or "initials" means as applied to any goods, any name or initials of a person which

- (a) are not a trade mark, or part of a trade mark, and
- (b) are indetical with, or a colourable imitation of the name or initials of a person carrying on business in connexion with goods of the same description, and not having authorized the use of such name or initials, and
- (c) are either those of a fictitious person or of some person not bona fide carrying on business in connexion with such goods.

17. (1.) Every person who,—

- (a) forges any trade mark ; or
- (b) falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive ; or
- (c) makes any die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade mark ; or
- (d) applies any false trade description to goods ; or
- (e) disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade mark ; or
- (f) causes any of the things above in this section mentioned to be done ;

Offences as to
trade marks
and trade de-
scriptions

shall, subject to the provisions of this Act, and unless he

Merchandise Marks Act.

proves that he acted without intent to defraud, be guilty of an offence against this Act.

(2) Every person who sells, or exposes for, or has in his possession for, sale or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves,

- (a) that, having taken all reasonable precautions against committing an offence against this Act, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, mark, or trade description ; and
 - (b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things ; or
 - (c) that otherwise he has acted innocently ;
- be guilty of an offence against this Act.

Liability of person who is convicted.

- (3) Every person guilty of an offence against this Act shall be liable
 - (a) on conviction on indictment, to imprisonment with or without hard labour for a term not exceeding two years, or to fine, or to both imprisonment and fine ; and
 - (b) on summary conviction, to imprisonment with or without hard labour for a term not exceeding four months, or to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to imprisonment with or without hard labour for a term not exceeding six months, or to a fine not exceeding fifty pounds; and
 - (c) in any case to forfeit to Her Majesty every chattel, article, instrument or thing by means of or in relation to which the offence has been committed.

Power of court.

- (4) The court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

Merchandise Marks Act.

(5.) Any offence under this Act may, subject to Procedure. the provisos hereinafter contained, be prosecuted summarily before a Police Magistrate: provided that a person charged with an offence before a Police Magistrate shall, on appearing before the court, and before the charge is gone into, be informed of his right to be tried on indictment, and, if he requires, be so tried accordingly: and provided also that if the Police Magistrate before whom any person is charged with the commission of an offence under this Act is of opinion that the offence is one which should be prosecuted by indictment, he shall abstain from adjudicating thereon and shall deal with the case in all respects as if the same had been brought before him on a charge of an indictable offence which he had no authority to finally hear and determine.

(6.) Any articles liable to be forfeited under this Declaration of forfeiture. Act may be declared forfeited by the court by which the offence in respect of which the liability to forfeiture has been incurred is triable.

18. A person shall be deemed to forge a trade mark Forging trade marks. who either—

- (a) without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling that trade mark as to be calculated to deceive; or
- (b) falsifies any genuine trade mark, whether by alteration, addition, effacement, or otherwise: and any trade mark or mark so made or falsified is in this Act referred to as a forged trade mark.

Provided that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

19. (1.) A person shall be deemed to apply a trade Applying marks mark or mark or trade description to goods who— and descriptions.

- (a) applies it to the goods themselves; or
- (b) applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture; or
- (c) places, encloses, or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or manufacture, in, with, or to any covering, label, reel, or other

Merchandise Marks Act.

thing to which a trade mark or trade description has been applied ; or

- (d) uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark or mark or trade description.

(2) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper ; and the expression "label" includes any band or ticket.

A trade mark, or mark or trade description shall be deemed to be applied, whether it is woven, impressed, or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel, or other thing.

20. A person shall be deemed to falsely apply to goods a trade mark or mark, who without the assent of the proprietor of a trade mark applies such trade mark, or a mark so nearly resembling it as to be calculated to deceive, but in any prosecution for falsely applying a trade mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

21. Where a defendant is charged with making any die, block, machine, or other instrument for the purpose of forging, or being used for forging a trade mark, or with falsely applying to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

- (a) that in the ordinary course of his business he is employed on behalf of other persons to make dies, blocks, machines, or other instruments for making, or being used in making trade marks, or as the case may be to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Island and was not interested in the goods by way of profit or commission dependent on the sale of such goods ; and
- (b) that he took reasonable precautions against committing the offence charged ; and
- (c) that he had at the time of the commission of the alleged offence no reason to suspect the

Exemption of certain persons employed in ordinary course of business.

Merchandise Marks Act.

genuineness of the trade mark, mark, or trade description ; and

- (d) that he gave to the prosecutor all the information in his power with respect to the person on whose behalf the trade mark, mark, or description was applied—

he shall be discharged from the prosecution but shall be liable to pay the costs incurred by the prosecutor unless he has given due notice to him that he will rely on the above defence.

22. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall prima facie be deemed to be a description of that country within the meaning of this Act, and the provisions of this Act with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for or having in possession for sale or any purpose of trade or manufacture goods with a false trade description, shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch case. Application of Act to watches.

23. In any indictment, pleading, proceeding, or document, in which any trade mark or forged trade mark is intended to be mentioned, it shall be sufficient, without further description and without any copy or facsimile, to state that mark or forged trade mark to be a trade mark or forged trade mark. Trade mark how described in pleading.

24. In any prosecution for an offence against this Act in the case of imported goods, evidence of the port of shipment shall be prima facie evidence of the place or country in which the goods were made or produced. Rules as to evidence.

25. Any person who being within this Island procures, counsels, aids, abets or is accessory to the commission without the Island of any act which, if committed in the Island, would under this Act be a misdemeanour, shall be guilty of that misdemeanour as a principal and be liable to be indicted, proceeded against, tried, and convicted in any district in this Island as if the misdemeanour had been committed therein. Punishment of accessories.

Merchandise Marks Act.

Search warrants.

26. (1.) Where upon information of an offence against this Act a Magistrate has issued either a summons requiring the defendant charged by such information to appear to answer to the same or a warrant for the arrest of such defendant, and either the said Magistrate on or after issuing the summons or warrant, or any other Magistrate is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such Magistrate may issue a warrant under his hand by virtue of which it shall be lawful for any police or parish constable named or referred to in the warrant to enter such house, premises, or place at any reasonable time by day and to search there for and seize and take away those goods or things; and any goods or things seized under any such warrant shall be brought before the Police Magistrate for the purpose of its being determined whether the same are or are not liable to forfeiture under this Act.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Act, is unknown, or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and the Police Magistrate before whom such information or complaint is laid may cause notice to be advertised stating that unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place such Police Magistrate, unless the owner or any person on his behalf, or other person interested in the goods or things shows cause to the contrary, may order such goods or things or any of them to be forfeited.

(3.) Any goods or things forfeited under this section, or under any other provisions of this Act may be destroyed or otherwise disposed of in such manner as the court by which the same are forfeited may direct, and the court may out of any proceeds which may be realized by the disposition of such goods (all trade marks and trade descriptions being first obliterated) award to any innocent party any loss he may have innocently sustained in dealing with such goods.

Limitation of prosecution.

27. No prosecution for an offence against this Act shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the

Merchandise Marks Act.

first discovery thereof by the prosecutor, whichever expiration first happens.

28. (1) All imported goods which, if sold, would be liable to forfeiture under this Act, and also all goods of foreign manufacture bearing any name or trade mark being or purporting to be the name or trade mark of any manufacturer, dealer, or trader in the United Kingdom, unless such name or trade mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into this Island. Prohibition on importation

(2.) All goods the importation whereof is by this section prohibited shall be forfeited, and the several provisions of the Trade Act as to the seizure and detention and condemnation of goods liable to forfeiture or forfeited under that Act, shall, so far as the same are unaffected by any regulations made under this Act, apply to goods imported contrary to the provisions of this section.

(3) Before seizing any such goods or taking any further proceedings with a view to the forfeiture thereof, the regulations under this section, whether as to information, security, conditions, or other matters shall be complied with and the Comptroller of Customs satisfied in accordance with those regulations that the goods are such as are prohibited by this section to be imported.

(4.) The Governor-in-Executive Committee may from time to time make, revoke, and vary regulations, either general or special, respecting the seizure, detention, and forfeiture of goods the importation of which is prohibited by this section, and the conditions if any to be fulfilled before such seizure, detention, and forfeiture, and may by such regulations determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section and the mode of verification of such evidence.

(5.) Where there is on any goods a name which is identical with or a colourable imitation of the name of a place in the United Kingdom, that name unless accompanied by the name of the country in which such place is situate shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom.

(6.) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relations to such goods.

Merchandise Marks Act.

(7.) The regulations may provide for the informant reimbursing the Comptroller of Customs all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention.

(8.) All regulations under this section shall be published in the Official Gazette.

Implied warranty on the sale of marked goods.

29. On the sale or in the contract for the sale of any goods to which a trade mark, or mark, or trade description has been applied the vendor shall be deemed to warrant that the mark is a genuine trade mark and not forged or falsely applied or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

Provision of Act as to false description not to apply in certain cases.

30. Where, at the passing of this Act, a trade description is lawfully and generally applied to goods of a particular class or manufactured by a particular method to indicate the particular class or method of manufacture of such goods, the provisions of this Act with respect to false trade descriptions shall not apply to such trade description when so applied; provided that where such trade description includes the name of a place or country and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced and the goods are not actually made or produced in that place or country this section shall not apply unless there is added to the trade description immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced with a statement that they were made or produced there.

Savings for right of action.

31. (1) This Act shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Act, be brought against him.

Discovery.

(2) Nothing in this Act shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Act.

Servant bona fide acting.

(3) Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any ser-

Merchandise Marks Act.

vant of a master resident in this Island, who bona fide acts in obedience to the instructions of such master and on demand made by or in behalf of the prosecutor has given full information as to his master.

32. Any person who falsely represents that any goods are made by a person holding a royal warrant, or for the service of Her Majesty, or any of the Royal Family or any Government department shall be liable, on summary conviction, to a penalty not exceeding twenty pounds. False representation as to royal warrant.

SCHEDULE.

FORM OF APPLICATION FOR TRADE MARK.

To the Registrar of Trade Marks.

You are hereby requested to register the accompanying trade mark in connection with

in the name of
who claims to be the proprietor thereof. This trade mark is not a trade mark within the meaning of clauses (a) or (b) of subsection (1) of section sixteen of the Merchandise Marks Act, 1896.

Dated this day of 18

Signed,

FORM OF NOTICE OF APPLICATION FOR REGISTRATION.

Take Notice that
has applied for the registration of a trade mark in connection with
and will be entitled to register the same after one month from the day of 18 unless some person shall in the meantime give notice in duplicate to me at my office of opposition of such registration. The trade mark can be seen on application at my office.

Dated

Signed,

Registrar of Trade Marks.

Merchandise Marks Act.

FEES.

On application to register	...	...	...	...	1/-
On notice of opposition	...	...	...	...	1/-
On counter statement	...	...	...	...	1/-
On taking security of opposer	...	...	...	...	5/-
On registration	...	...	...	...	5/-
On noting assignment or transmission	..	...	...	...	1/-

1896—3.

An Act to vest a certain Trust Fund and the Investments for the time being representing the same in the present Rector of the parish of Christ Church and his successors in office, and to declare the Trusts thereof.

[28 July 1896.]

Preamble.

WHEREAS a petition has been presented to the Legislature of this Island by the Reverend Canon William Alleyne Alder, Rector of the parish of Christ Church, setting forth that “ many years ago one Richard Holt Hutton deposited “ with the Reverend Abraham Reece, then the Curate of “ Saint Matthias chapel in the said parish of Christ Church, “ a sum of one hundred pounds with directions to apply “ the interest at five per cent per annum in the repairs of “ the grave of Annie Mary Hutton the wife of the donor “ and to apply the surplus (if any) for the benefit of the “ aforesaid Saint Matthias Chapel ; that the Reverend “ Abraham Reece has long since ceased to be Curate of the “ said chapel but he has regularly paid the interest of the “ said sum to the Curate for the time being of the said chapel “ to be applied by him ; that the said Abraham Reece is now “ very old and resident in England and is anxious to be “ relieved of the said sum and the trusts thereof and has “ requested your petitioner the said William Alleyne Alder “ as Rector of the said parish to receive the said sum and “ deal therewith in accordance with the donor’s directions ; “ that your petitioner is willing to accede to this request if “ the said sum can be legally vested in him and his successors in office and the trusts upon which the said sum is to “ be held can be legally defined ; that under these circumstances your petitioner desires to apply to the Legislature “ of this Island for an Act vesting the said sum of one hundred pounds in himself as Rector of the said parish of

Hutton Trust Fund Act.

“ Christ Church and in his successors in office, and defining
 “ the trusts upon which the said sum is to be held ; And
 whereas it is deemed expedient to grant the prayer of the
 said petitioner : Be it therefore enacted by the Governor,
 Council, and Assembly of this Island, and by the authority
 of the same, as follows :—

1. This Act may be cited as the Hutton Trust Fund Short title.
 Act, 1896.

2. Immediately on the passing of this Act the then Rector of
 Rector of the parish of Christ Church shall receive from the Christ Church
 Reverend Abraham Reece and give a receipt for the said shall receive the
 sum of one hundred pounds and any interest due thereon, trust fund, and
 which receipt shall discharge the said Abraham Reece from give a discharge.
 the said sum of one hundred pounds and all past interest
 thereon, and from the trusts thereof, and from all claims and
 demands on account thereof.

3. The said sum of one hundred pounds shall immedi- Trust fund, in
 ately on such payment vest in the then Rector of the parish whom vested
 of Christ Church and his successors in office upon trust to and on what
 invest the same in any of the modes of investment for the trusts.
 time being authorised by the laws of this Island for the
 investment of trust funds, with liberty from time to time to
 vary such investments into others of the same nature, and to
 apply the annual income of the said sum and the invest-
 ments thereof in repairing, maintaining, and keeping in good
 order and condition the grave, tombstone, railings, and in-
 scriptions of the burial place of Annie Mary Hutton, the wife
 of Richard Holt Hutton, in the graveyard attached to the
 chapel of Saint Matthias in the said parish of Christ
 Church, and shall apply any surplus income not required
 for the purposes aforesaid for the benefit of the said chapel
 as the Rector of the said parish for the time being shall think
 fit, with liberty for the present or any future Rector of the
 said parish to pay such income to the present or any future
 Vicar or Curate of the said chapel for all or any of the
 purposes aforesaid without being obliged to see to the appli-
 cation thereof.

An Act to provide for the Licensing of Firearms.
 [12 August 1896]

BE it enacted by the Governor, Council, and Assembly

Firearms Act.

- of this Island, and by the authority of the same, as follows :—
- Short_title. **1.** This Act may be cited as the Firearms Act, 1896.
- Interpretation. **2.** In this Act the term “gun” includes a firearm of any description and an air gun or any other kind of gun (except a toy-gun) from which any shot, bullet, or other missile can be discharged.
- No one to have use or carry a gun without a license. **3.** (1) Except as hereinafter appears, no person shall have, use, or carry a gun in this Island unless and until he has in the manner hereinafter provided obtained a license to have, use, or carry such gun. Any person who infringes the provisions of this section shall be liable to a penalty of one pound to be recovered in a summary manner before a Police Magistrate on the complaint of any person, and to be paid one half to the complainant and the other half into the Public Treasury to the credit of the general revenue.
- Certain persons excepted. Provided always, that the said penalty shall not be incurred by the following persons ; namely,
- Persons in Navy Army, or police. (a) By any person in the naval or military service of Her Majesty, or in the police force of this Island, having, using, or carrying any gun in the performance of his duty, or when engaged in target practice.
- Agent of a licensed person. (b) By any person carrying a gun belonging to a person having in force a license under this Act, and at the request of such licensed person, and for the use of such licensed person only, if the person carrying the gun shall, upon the request of any officer of inland revenue or any constable, or the owner, or occupier of the land on which such gun shall be used, or carried, give his true name and address, and also the true name and address of the licensed person.
- Gunsmith. (c) By any gunsmith, or his servant, carrying a gun in the ordinary course of the trade of a gunsmith, or using a gun by way of testing or regulating its strength or quality in a place specially set apart for the purpose.
- Common carrier. (d) By any person carrying a gun in the ordinary course of his trade or business as a common carrier.
- Traders. (e) By any trader having guns in his store for sale.
- Auctioneers. (r) By any auctioneer having guns at his sales room for sale.
- Members of Barbados Rifle Association. (g) By any member of the Barbados Rifle Association having, using, or carrying any gun exclusively for target practice as such member.
- Onus of proof of exemption on defendant. (2) In any information for the recovery of the penalty imposed by this section, it shall be sufficient to allege that the defendant had, used or carried a gun without

Firearms Act.

having a license in force under this Act, and it shall be upon the defendant to prove that he is a person not incurring the penalty by virtue of the proviso contained in this section.

4. (1) Every person desiring to obtain a license to have, use, or carry a gun shall pay to the Colonial Treasurer the sum of five shillings for each gun that he desires to have, use, or carry, and thereupon the Colonial Treasurer shall, in respect of each gun paid for, grant a license in the form in the schedule, which license shall authorise such person to have, use, or carry a gun from the date of such license up to and inclusive of the fifteenth day of January in the year following that in which such license is given.

(2) Such license shall not be transferable.

License, not transferable.

5. Where a gun is carried in parts by two or more persons in company, each and every one of such persons shall be deemed to carry the gun.

Gun carried in parts, each carrier liable.

6. (1) It shall be lawful for any Justice of Peace, officer of inland revenue, or for any police or parish constable, to demand from any person using or carrying a gun (not being a person in the naval or military service of Her Majesty or in the police force of this Island using or carrying a gun in the performance of his duty) the production of a license granted to such person under this Act.

Production of license, by whom it may be demanded.

(2) If the person upon whom the demand is made shall not produce a license duly granted to him under this Act, and permit the justice, officer, or constable demanding the production thereof to read such license, it shall be lawful for such justice, officer, or constable to require such person to declare to him immediately his christian and surname and place of residence, and if such person shall refuse to declare his christian and surname and place of residence as aforesaid, he shall for such refusal forfeit the penalty of two pounds over and above any other penalty to which he may be liable under this Act; and it shall be lawful for such justice, officer, or constable to arrest such person so refusing and to convey him to the nearest police station.

Arrest of person not producing license or giving full name and address.

7. Every person who is drunk when in possession of any loaded firearms may be apprehended by any person and taken to the nearest police station, and shall be liable to a penalty not exceeding one pound in addition to any other penalty to which he may be liable under this Act.

Penalty on being drunk while in possession of firearms.

Firearms Act.

Publication of
persons to whom
licenses issued.

8. The Colonial Treasurer shall advertise monthly in the Official Gazette a list of all licenses issued by him under the provisions of this Act in the order of date and number.

Duration of Act.

9. This Act shall continue in operation until and inclusive of the thirty first day of March one thousand nine hundred and twelve.

SCHEDULE.

GUN LICENSE.	
COLONIAL TREASURER'S	No.
COUNTERFOIL.	I do hereby certify that.....
GUN LICENSE.	.....
	residing at or near.....
No.	in the parish of.. ..
Name of Licensee.	has paid me the sum of five shil- lings and is licensed to have, use,
Residence.	and carry a (<i>describe the firearm</i>)
Description of firearm.	until the 15th January 18 inclusive.
	Colonial Treasurer.

1896—5.

*An Act to consolidate the Acts of this Island relating to
Married Women.*

[22 October 1896.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Married Woman's Act, 1896.

*Married Woman's Act.**Desertion of wives, and protection of property during desertion.*

2. If any person shall desert and leave his wife or any child whom such person is bound by law to maintain, so that such wife or child shall become destitute, it shall be lawful for the Police Magistrate of the parish in which such wife or child may be residing, on complaint by the Churchwarden of the parish, to issue his warrant to apprehend and bring before him such person so charged, and on proof being made of such charge to commit such person to prison, there to be kept to hard labour for any time not exceeding two months; provided always, that no person who has been proceeded against and punished under this section shall be considered as absolved in future from liability to maintain such wife or child, or from being again punished under this section for a similar desertion of such wife or child.

Persons deserting their wives or children to be imprisoned.

3. (1) It shall be lawful for any married woman, who shall have been deserted by her husband, to summon her husband before the Magistrate of the district in which he resides, and thereupon such Magistrate, if satisfied that the husband, being able wholly or in part to maintain his wife or his wife and family, has wilfully refused or neglected so to do, and has deserted his wife, may order that the husband shall pay to his wife such weekly sum not exceeding two pounds as the Magistrate may consider to be in accordance with his means and with any means the wife may have for her support and the support of her family, and the said Magistrate by whom any such order for payment shall be made, or any other Magistrate sitting in his stead, shall have power from time to time to vary the same, on the application of either the husband or the wife, upon proof that the means of the husband or wife have been altered in amount since the original order, or any subsequent order varying it, shall have been made.

Wife may summon husband for desertion.

Alimony.

(2) If at any time after the making of such order complaint shall be made to the Magistrate that any sum to be paid in pursuance of such order has not been paid, he shall summon the husband and inquire into the complaint, and if he is satisfied:—

Orders how enforced.

(a) that the amount claimed is due and has not been paid or duly tendered;

(b) that the husband making default has had, since the date of the order, or the last payment in respect thereof, the means to pay the sum in respect of which he had made default, (provided that the onus of proving inability to satisfy any order shall be on such husband);

Married Woman's Act.

he shall, subject to the provisions of subsection 6 of this section, order the payment of the arrears to be enforced under either subsection three or subsection four of section forty one of the Police Magistrates Act, 1905, as he may think fit.

No order to be made if wife has committed adultery.

(3) No order for payment of any such sum by the husband shall be made in favour of a wife who shall be proved to have committed adultery, unless such adultery has been condoned, and any order for payment of any such sum may be discharged by the Magistrate by whom such order was made, or any other Magistrate sitting in his stead, upon proof that the wife has since the making thereof been guilty of adultery.

Service of summons.

(4) A summons under this section shall be served in the manner provided for by the Police Magistrates Act 1905, or in case the defendant shall be out of the Island, or cannot be found, in such other manner as the Magistrate shall direct.

Review of order.

(5) The said Magistrate, or any other Magistrate sitting in his stead, may re-hear any such summons at the instance of the husband at any time, and confirm, discharge, or vary any previous order thereon as he may think fit.

Limitation of amount recoverable under order.

(6) If the married woman shall allow the weekly payments to be in arrear for more than four successive weeks without application to the Magistrate, the husband shall not be ordered to pay, exclusive of costs, more than the amount due for four weeks in discharge of the whole debt, provided always that this section shall not apply where the husband absconds or is absent from the Island.

Section to apply to wilful refusal or neglect to maintain.

(7) This section shall also apply to cases where the husband has wilfully refused or neglected to maintain his wife, or his wife and family, although she or they may be residing with him.

Wife deserted by her husband may apply to Police Magistrate for protection.

4. Every wife deserted by her husband may at any time after such desertion apply to the Police Magistrate of the parish in which such wife resides for an order to protect any money or property she may acquire by her own lawful industry, and property which she may become possessed of after such desertion, against her husband or his creditors, or any person claiming under him; and such Magistrate if satisfied of the fact of such desertion, and that the same was without reasonable cause, and that the wife is maintaining herself by her own industry and property, may make and give to the wife an order protecting her earnings and property acquired since the commence-

Married Woman's Act.

ment of such desertion from her husband and all creditors and persons claiming under him, and such earnings and property shall belong to the wife as if she were a feme sole; provided always that every such order shall immediately be entered in the order book of his office, a copy of which order under the hand of such Police Magistrate shall be furnished such wife within four days of his making the same.

5. If the husband, or any creditor of, or person claiming under, the husband shall seize or continue to hold any property of the wife after notice of any such order, he shall be liable, on complaint of the wife (which she is hereby empowered to make) before any Police Magistrate, to restore the specific property or the value thereof, and also for a sum equal to double the value of the property so seized or held after such notice as aforesaid, to be recovered in a summary manner.

Penalty for seizing wife's property after notice of order.

6. If any such order of protection be made, the wife shall during the continuance thereof be and be deemed to have been during such desertion of her in the like position in all respects with regard to property and contracts, and suing and being sued as if she were a feme sole.

Wife during continuance of order to be deemed feme sole.

7. It shall be lawful for the husband, and any creditor, or other person claiming under him, to apply to the Police Magistrate of the parish where such order was made for the discharge thereof, and such Police Magistrate shall have power and authority to entertain such application, and if he shall see sufficient cause he shall discharge the said order.

Discharge of order.

8. On the hearing of any application for the discharge of such order, it shall be lawful for the Magistrate to award such costs as he may now be authorized to award in summary cases.

Costs.

9. In every case in which a wife shall under this Act have obtained an order to protect her earnings or property such order shall, until reversed or discharged, so far as necessary for the protection of any person or corporation who shall deal with the wife, be deemed valid and effectual, and no discharge, variation, or reversal of such order shall prejudice or affect any rights or remedies which any person would have had in case the same had not been so reversed, varied, or discharged, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the making of such order and of the discharge, variation, or reversal thereof; and property of or

Order for protection of earnings &c., of wife to be deemed valid.

Married Woman's Act.

to which the wife is possessed or entitled for an estate in remainder or reversion at the date of the desertion shall be deemed to be included in the protection given by the order.

Order to state the time at which the desertion commenced

10. Every order which shall be obtained by a wife under this Act for the protection of her earnings or property shall state the time at which the desertion in consequence whereof the order is made commenced, and the order shall as regards all persons dealing with such wife in reliance thereon be conclusive as to the time when such desertion commenced.

Indemnity to corporations &c. making payments under orders afterwards reversed.

11. All persons and corporations who shall, in reliance on any such order as aforesaid, make any payment to or permit any transfer or act to be made or done by the wife who has obtained the same, shall, notwithstanding such order may then have been discharged, reversed, or varied, or at some time since the making of the order been discontinued, be protected and indemnified in the same way in all respects as if at the time of such payment, transfer or other act, such order were valid and still subsisting without variation in full force and effect, unless at the time of such payment, transfer or other act such persons or corporations had notice of the discharge, reversal, or variation of such order.

Provisions respecting property of wife to extend to property vested in her as executrix &c.

12. The provisions contained in this Act respecting the property of a wife who has obtained an order for protection shall be deemed to extend to property to which such wife has become or shall become entitled as executrix, administratrix, or trustee (as the case may be), and the death of the testator or intestate shall be deemed to be the time when such wife became entitled as executrix or administratrix.

Property of married women.

Interpretation of terms.

13. In the following sections of this Act the word "contract" shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration, and the word "property" includes a thing in action.

Married woman to be capable of

14. (1) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding,

Married Woman's Act.

and disposing by will or otherwise of any real or personal property as her separate property, in the same manner as if she were a feme sole without the intervention of any trustee.

acquiring, holding, and disposing of property and of contracting as a feme sole.

(2) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property, on any contract, and of suing and being sued either in contract, or in tort, or otherwise, in all respects as if she were a feme sole, and her husband need not be joined with her as plaintiff or defendant or be made a party to any action or other legal proceedings brought by or taken against her; and any damages or costs recovered by her in any such action or proceedings shall be her separate property, and any damages or costs recovered against her in any such action or proceedings shall be payable out of her separate property, and not otherwise.

(3) Every contract hereafter entered into by a married woman otherwise than as agent,

Effect of contracts by married women.

(a) Shall be deemed to be a contract entered into by her with respect to and to bind her separate property, whether she is or is not in fact possessed of or entitled to any separate property at the time when she enters into such contract.

(b) Shall bind all separate property which she may at that time or thereafter be possessed of, or entitled to; and

(c) Shall also be enforceable by process of law against all property which she may thereafter while discoverd be possessed of or entitled to.

Provided that nothing in this section contained shall render available to satisfy any liability or obligation arising out of such contract any separate property which at that time or thereafter she is restrained from anticipating.

(4) In any action or proceeding now or hereafter instituted by a woman, or by a next friend on her behalf, the court before which such action or proceeding is pending shall have jurisdiction by judgment or order, from time to time to order payment of the costs of the opposite party out of property which is subject to a restraint on anticipation, and may enforce such payment by the appointment of a receiver and the sale of the property or otherwise as may be just.

Costs may be ordered to be paid out of property subject to restraint on anticipation.

(5) Every married woman carrying on a trade separately from her husband shall, in respect of her separate trade separately

Carrying on trade separately

Married Woman's Act.

may be made bankrupt.

ate property, be subject to the bankruptcy laws in the same way as if she were a feme sole.

Property of a woman married after fixed date to be held by her as a feme sole.

15. Every woman married after the twentieth day of March one thousand eight hundred and eighty five shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which belonged to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill.

Loans by wife to husband.

16. Any money or other estate of the wife lent or entrusted by her to her husband for the purpose of any trade or business carried on by him, or otherwise, shall be treated as assets of her husband's estate in case of his bankruptcy under reservation of the wife's claim to a dividend as a creditor for the amount or value of such money or other estate after, but not before, all claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.

Execution of a general power.

17. The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act.

Will of married woman.

18. Section eleven of the Wills Act 1891 shall apply to the will of a married woman made during coverture, whether she is or is not possessed of or entitled to any separate property at the time of making it, and such will shall not require to be re-executed or republished after the death of her husband.

Property acquired after 20th March 1885 by a woman married before that date to be held by her as a feme sole.

19. Every woman married before the twentieth day of March one thousand eight hundred and eighty five shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property all real and personal property, her title to which whether vested or contingent, and whether in possession, reversion, or remainder, shall have accrued after the date aforesaid, including any wages, earnings, money, and property so gained or acquired by her as aforesaid.

As to stock, &c., to which a mar-

20. All deposits in any savings bank or any other bank, all annuities granted by any person, and all sums

Married Woman's Act.

forming part of the stocks or funds transferable in the books of any bank which on the twentieth day of March one thousand eight hundred and eighty five were standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interest of or in any corporation, company, or public body, municipal, commercial, or otherwise, or of or in any industrial, provident, friendly, benefit, building, or loan society, which on the twentieth day of March one thousand and eighty five were standing in her name, shall be deemed, unless and until the contrary be shewn, to be the separate property of such married woman; and the fact that any such deposit, annuity, sum forming part of the stock or funds transferable in the books of any bank, share, stock, debenture, debenture stock, or other interest as aforesaid is standing in the sole name of a married woman shall be sufficient prima facie evidence that she is beneficially entitled thereto for her separate use so as to authorize and empower her to receive or transfer the same, and to receive the dividends, interest, and profits thereof without the concurrence of her husband, and to indemnify the directors, managers, and trustees of every such bank, corporation, company, or public body, or society as aforesaid in respect thereof.

ried woman is entitled.

21. All sums forming part of the stocks or funds transferable in the books of any bank, and all such deposits and annuities respectively as are mentioned in the last preceding section, and all shares, stock, debenture, debenture stock, or other interest of or in any such corporation, company, public body or society as aforesaid, which shall be allotted to or placed, registered, or transferred in or into or made to stand in the sole name of any married woman, shall be deemed, unless and until the contrary be shown, to be her separate property in respect of which, so far as any liability may be incident thereto, her separate estate shall alone be liable, whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not. Provided always that nothing in this Act shall require or authorize any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident contrary to the provisions of any Act of this Island, by-law, articles of association, or deed of settlement regulating such corporation or company.

As to stock, &c., to be transferred &c., to a married woman.

22. All the provisions hereinbefore contained as to deposits in any savings bank, or in any other bank, annuities

Investments in joint names of a

Married Woman's Act.

married woman and any persons or person other than her husband.

granted by any person, sums forming part of the stocks or funds transferable in the books of any bank, shares, stock, debentures, debenture stock, or other interests of or in any such corporation, company, public body or society as aforesaid respectively, which on the twentieth day of March one thousand eight hundred and eighty five were standing in the sole name of a married woman, or which, after that time, shall be allotted to or placed, registered, or transferred to or into or made to stand in the sole name of a married woman, shall respectively extend and apply, so far as relates to the estate, right, title, or interests of the married woman to any of the particulars aforesaid, which, on the twentieth of March one thousand eight hundred and eighty five were or at any time afterwards shall be standing in, or allotted to, placed, registered, or transferred to or into or made to stand in the name of any married woman jointly with any persons or person other than her husband.

Husband need not join in transfer of any such annuity, &c., standing in sole name of married woman or in her name jointly with others as aforesaid.

23. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such annuity or deposit as aforesaid, or any sum forming part of the stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim or other interest of or in any such corporation, company, public body, or society as aforesaid, which was on the twentieth day of March one thousand eight hundred and eighty five or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman and any other person or persons not being her husband.

Fraudulent investments with money of husband.

24. If any investment in any such deposit or annuity as aforesaid, or in any of the stocks or funds transferable as aforesaid, or in any share, stock, debenture or debenture stock of any corporation, company, or public body, municipal, commercial, or otherwise, or in any share, debenture, benefit, right, or claim whatsoever in, to, or upon the funds of any industrial, provident, friendly, benefit, building, or loan society, shall have been made by a married woman by means of moneys of her husband, without his consent, the court may upon application order such investment and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Act contained shall give validity as against creditors of the husband to any gift by a husband to his wife, of any property which, after such gift, shall continue to be in the order and disposition or reputed ownership of the husband, or to any

Married Woman's Act.

deposit or other investment of moneys of the husband, made by or in the name of his wife in fraud of his creditors; but any moneys so deposited or invested may be followed as if this Act had not passed.

25. A married woman may by virtue of the power of making contracts hereinbefore contained effect a policy upon her own life or the life of her husband for her separate use; and the same and all benefit thereof shall enure accordingly. A policy of assurance effected by any man on his own life and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, shall create a trust in favour of the objects therein named, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the insured, or be subject to his or her debts. Provided that if it shall be proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured they shall be entitled to receive, out of the moneys payable under the policy, a sum equal to the premiums so paid. The insured may by the policy, or by any memorandum under his or her hand, appoint a trustee or trustees of the moneys payable under the policy, and from time to time appoint a new trustee or new trustees thereof, and may make provision for the appointment of a new trustee or new trustees thereof, and for investment of the moneys payable under any such policy. In default of any such appointment of a trustee such policy immediately on its being effected shall vest in the insured and his or her legal personal representatives in trust for the purpose aforesaid. If at the time of the death of the insured, or at any time afterwards, there shall be no trustee or it shall be expedient to appoint a new trustee or new trustees, a trustee or trustees or a new trustee or new trustees may be appointed by any court having jurisdiction to appoint trustees. The receipt of a trustee or trustees duly appointed, or, in default of any such appointment or in default of notice to the insurance office, the receipt of the legal personal representative of the insured shall be a discharge to the office for the sum secured by the policy, or for the value thereof, in whole or in part.

As to moneys payable under policies of assurance effected by a married woman for her separate use or by a man for the benefit of his wife and children, &c.

26. Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same civil remedies Remedies of married women for protection and security of

Married Woman's Act.

separate property. and also (subject as regards her husband, to the proviso hereinafter contained) the same remedies and redress, by way of criminal proceeding, for the protection and security of her own separate property, as if such property belonged to her as a feme sole, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any indictment or other proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband or wife shall be competent to give evidence against each other, any statute or rule of law to the contrary notwithstanding. Provided always that no criminal proceeding shall be taken by any wife against her husband by virtue of this Act while they are living together, as to or concerning any property claimed by her, nor while they are living apart, as to or concerning any act done by the husband while they are living together concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting, or about to leave or desert his wife.

Wife's antenuptial debts and liabilities.

27. A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she may be liable as a contributory, either before or after she has been placed on the list of contributories, under and by virtue of any Act providing for the incorporation, management, and winding up of trading companies and other associations, and she may be sued for any such debt, and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and as between her and her husband unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts, or wrongs, and for all damages or costs recovered in respect thereof. Provided always that nothing in this Act shall operate to increase or diminish the liability of any woman married before the twentieth day of March one thousand eight hundred and eighty five for any such debt, contract, or wrong as aforesaid, except as to any separate property to which she may become entitled by virtue of this Act, and to which she would not have been entitled for her separate use if this Act had not passed.

Married Woman's Act.

28. A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, including any liabilities to which she may be so subject under any Act providing for the incorporation, management, and winding up of trading companies and other associations to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to, from or through his wife, after deducting therefrom any payments made by him and any sum for which judgment may have been bona fide recovered against him in any proceeding at law, in respect of any such debts, contracts, or wrongs for or in respect of which his wife was liable before her marriage as aforesaid, but he shall not be liable for the same any further or otherwise; and any court in which a husband shall be sued for any such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount, or value of such property. Provided always that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the said twentieth day of March for or in respect of any such debt or other liability of his wife as aforesaid.

Husband to be liable for his wife's debts contracted before marriage to a limited extent.

29. A husband and wife may be jointly sued in respect of any such debt or other liability (whether by contract or for any wrong) contracted or incurred by the wife before marriage as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled as aforesaid, he shall have judgment for the costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly, if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property, and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only.

Proceedings against husband and wife jointly in respect of such debts or liabilities.

30. A wife doing any act with respect to any property Liability of wife

Married Woman's Act.

to criminal proceedings.

of her husband which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall, in like manner, be liable to criminal proceedings by her husband, and in any criminal proceedings against a husband or a wife as is authorized by this Act the husband and wife respectively shall be competent and admissible witnesses, and, except when defendant, compellable to give evidence.

Questions between husband and wife as to property to be decided in a summary way.

31. In any question between husband and wife as to the title to or possession of property, either party, or any such bank, corporation, company, public body, or society as aforesaid in whose books any stocks, funds, or shares of either party are standing may apply by summons or otherwise in a summary way to the Vice Chancellor, or Chief Judge of the Court of Common Pleas or (at the option of the applicant irrespectively of the value of the property in dispute) to the Assistant Court of Appeal in respect of its original jurisdiction, or to the Judge of the Petty Debt Court of the district in which either party or the applicant resides, and the Vice Chancellor, or Chief Judge of the Court of Common Pleas, or the Assistant Court of Appeal, or the Judge of the Petty Debt Court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on the application as he or it thinks fit, or may direct such application to stand over from time to time and any inquiry touching the matters in question to be made in such manner as he or it shall think fit. Provided always that any order of the Vice Chancellor, Chief Judge of the Court of Common Pleas, Assistant Court of Appeal, or Judges of the Assistant Court of Appeal or Judge of the Petty Debt Court under the provisions of this section shall be subject to appeal in the same way as any other order made by the same Court would be, and all proceedings in the Assistant Court of Appeal, or Petty Debt Court under this section in which, by reason of the value of the property in dispute, such Court would not have had jurisdiction if this Act or any previous Acts relating to the property of married women had not passed, may, at the option of the defendant or respondent to such proceedings, be removed as of right into the Court of Chancery or Court of Common Pleas, by writ of certiorari or otherwise as may be prescribed by any rule of such Court of Chancery or Court of Common Pleas; but any order made or act done in the course of such proceedings prior to such removal shall be valid, unless order shall be made to the contrary by such Court of Chancery or Court of Common Pleas. Provid-

Married Woman's Act.

ed also that the Vice Chancellor, or the Judge of the Court of Common Pleas, or the Judges of the Assistant Court of Appeal, or the Judge of the Petty Debt Court, if either party so require, may hear any such application in his or their private room. Provided also that any such bank or corporation, company, public body, or society as aforesaid, shall in the matter of any such application, for the purposes of costs or otherwise, be treated as a stakeholder only.

32. A married woman who is an executrix or administratrix alone or jointly with any other person or persons of the estate of any deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued, and may transfer or join in transferring any such annuity or deposit as aforesaid, or any sum forming part of the stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim or other interest of or in any such corporation, company, public body, or society in that character, without her husband, as if she was a feme sole.

Married woman as an executrix or trustee.

33. Nothing in this Act contained shall interfere with or affect any settlement or agreement for a settlement made or to be made whether before or after marriage respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached to or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument, but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property, to be made or entered into by herself, shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

Saving of existing settlements and of the power to make future settlements.

34. Where relief is given under the provisions of any Acts relating to the relief of the destitute poor to the husband of any woman having separate property, the cost price of such relief is hereby declared to be a loan from the Poor Law Guardians of the parish in which the same shall be given, and shall be recoverable from such woman as if she were a feme sole by the same actions and proceedings as money lent.

Married woman to be liable to the parish for the maintenance of her husband ;

Married Woman's Act.

her children and grandchildren.

35. A married woman having separate property shall be subject to all such liability for the maintenance of her children and grandchildren as the husband is now by law subject to for the maintenance of her children and grandchildren. Provided always that nothing in this Act shall relieve her husband from any liability imposed upon him by law to maintain her children or grandchildren.

Rights of legal personal representatives of married women.

36. For the purposes of this Act the legal personal representative of any married woman shall in respect of her separate estate have the same rights and liabilities and be subjected to the same jurisdiction as she would have and be if she were living.

 1896—6.

An Act to consolidate the Acts relating to the Admission of Attorneys Solicitors and Proctors to practise in the Courts of this Island and to their status thereafter and to the delivery and Taxation of Bills of Costs.

[25 November 1896.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preliminary provisions.

Short title.

1. This Act may be cited as the Solicitors Act, 1896.

Interpretation.

2. In this Act unless the context otherwise require:

The expression "artieled clerk" means a person bound under articles of clerkship to a practising Attorney, Solicitor, or Proctor, or under pupillage to a practising Barrister, as in this Act provided;

The expression "Solicitor" means a person admitted and entitled to practice in the several courts of this Island as an Attorney, Solicitor, or Proctor, and actually practising therein;

"Client" includes any person who as a principal or on behalf of another, or as trustee or executor or in any other capacity has power expressed or implied to retain or employ and retains or employs or is about to retain or employ a Solicitor, and any person for the time being liable to pay to a Solicitor for his services any costs, remuneration, charges, expenses or disbursements;

Solicitors Act.

The expression "the Registrar" means the Registrar or the Deputy Registrar of this Island;

The expression "the preliminary examination" means an examination in general knowledge of persons desirous of becoming articled clerks;

The expression "the intermediate examination" means an examination of articled clerks held in order to ascertain the progress made by such articled clerks during their articles in acquiring the knowledge necessary to render them fit and capable to act as Solicitors;

The expression "the final examination" means an examination of persons applying to be admitted as Solicitors, as well touching the articles and service, as the fitness and capacity of such persons to act as Solicitors in all business and matters usually transacted by Solicitors, and includes, where any allegation is made by the Registrar or any other person as to the moral unfitness of any such person, to be an officer of the superior courts, an inquiry into the truth of such allegation.

PART I.

ADMISSION AND STATUS.

Preliminary Intermediate and final Examinations.

3. Subject to the exemptions, exceptions, and qualifications hereinafter contained, no person shall, after the passing of this Act, be entitled to be admitted as a Solicitor who has not passed the preliminary examination, the intermediate examination, and the final examination, and has not served as an articled clerk for five years. Qualification for admission.

4. The Registrar shall keep a list, to be called the Solicitors' rolls, of all persons entitled to practise as Solicitors in this Island, with the dates of their respective admission. Solicitors roll to be kept.

Every officer of any court and every Barrister or Solicitor may inspect the rolls without fee, and every other person on payment of a fee of one shilling. Who may inspect

Solicitors Act.

Solicitor or
writer to the
signet in Great
Britain or
Ireland to be
placed on rolls.

5. Every person duly admitted and at the time being entitled to practise as a Solicitor, Writer to the Signet, or an enrolled Law Agent under the Law Agents (Scotland) Act, 1873, in Great Britain or Ireland shall on satisfying the Chief Justice to that effect, be entitled on the direction of the Chief Justice to have his name inserted in the Solicitors' rolls, together with the date of his admission in this Island, and thereafter shall be competent to practise in the courts of this Island in as full and ample a manner as any Solicitor admitted in this Island before or after the passing of this Act.

By whom regula-
tions as to
examinations
made.

6. Subject to the provisions hereinafter contained the Attorney General, the Solicitor General, the Queen's Solicitor for the time being, and a Solicitor to be appointed as occasion may require by the Chief Justice, or any two of them, shall have power from time to time to make regulations with respect to the preliminary examination, the intermediate examination, and the final examination, and with respect to all or any of the following matters relating thereto, that is to say ;

Matters relating
thereto.

- (1.) with respect to the subjects and books for and the mode of conducting the examination of candidates ;
- (2.) with respect to the times and places of examinations and the notices of examinations ;
- (3.) with respect to the certificates to be given to persons of their having passed any examination ;
- (4.) with respect to the appointment or removal of examiners ;
- (5.) with respect to the fees to be paid by candidates ; and
- (6.) with respect to all other matters or things whatsoever relating to the examinations, as to which they may think it expedient to make regulations.

Provisions as to

7. The following provisions shall have effect with

Solicitors Act.

respect to the preliminary examination, the intermediate examinations, the final examination, and the final examination, and with respect to each and every of them ;

- (1.) The examination shall be held, if there be any persons offering themselves as candidates, not less than twice nor more than three times in the year. When to be held.
- (2.) The examination shall be conducted by means of papers of questions and viva voce. How conducted.
- (3.) There shall be not less than two examiners, and in the cases of the intermediate examination and the final examination one of the examiners shall, if possible, be a practising Barrister, and another shall be a practising Solicitor. Number of examiners, when one to be a Barrister and one a Solicitor.
- (4.) No candidate shall be entitled to a certificate that he has passed the examination, unless he shall have gained at least one third of the total number of marks. Number of marks for certificate.
- (5.) In case of any difference of opinion between the examiners on the question whether a candidate is entitled to a certificate that he has passed the examination, or that he has passed a distinguished examination, either or any examiner may refer the matter to the Chief Justice whose decision shall be final. In case of a difference between examiners.
- (6.) The Chief Justice and the Attorney General shall severally have the right of being present at the examination and of perusing the papers of questions and answers. Rights of Chief Justice and Attorney General.
- (7.) In case any candidate at the preliminary examination shall pass a distinguished examination, the examiners shall award him a certificate to that effect, and in case any candidate shall pass a distinguished examination at the intermediate examination, or at the final examination, the Chief Justice shall have power, on receiving the certificate of the examiners to that effect, to award such candidate a prize of law books Distinguished examinations.

Solicitors Act.

not exceeding in value the sum of three guineas.

Names of candidates passed to be published in Official Gazette.

(8.) The names of all candidates who shall have received certificates that they have passed the examination, together with the number of marks obtained by them severally, shall be transmitted by the examiners to the Chief Justice, and immediately thereafter shall be published by the Registrar in the Official Gazette in the order in which they have passed.

Fee for examination.

(9.) No candidate shall be required to pay a greater fee than two guineas for the examination.

Certificate of examination to be entered in articulated clerks' book.

8. On any person producing to the Registrar a certificate that he has passed the preliminary examination, the Registrar shall enter the name of such person, together with the date of the certificate, in a suitable book of record to be kept in his office and to be called the articulated clerks' book. Every officer of any court, and every Barrister, Solicitor or articulated clerk, may inspect the articulated clerks' book without fee, and every other person on payment of a fee of one shilling.

Who may inspect books.

Who exempted from preliminary examination.

9. A certificate of having passed a preliminary examination under this Act shall not be required from any person who has taken the degree of Bachelor of Arts or Bachelor of Laws in the Universities of Oxford, Cambridge, Dublin, Durham, or London, or in the Queen's University in Ireland, or the Degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws in any of the Universities of Scotland (none of such degrees being honorary degrees), or who has been called to the Bar in England or Ireland, or been admitted as an advocate in Scotland, or who has passed the first public examination before moderators at Oxford, or the previous examination at Cambridge, or the examination in Arts for the second year at Durham, or who has passed one of the local examinations established by the University of Oxford, or one of the nongremial examinations established by the University of Cambridge, or one of the examinations of the Oxford and Cambridge Schools Examination Board, or one of the matriculation examinations at the Universities of Dublin or London (notwithstanding he may not have been placed in the first division of such matriculation examination), or the examination for the first class certificate of

Solicitors Act.

the College of Preceptors incorporated by Royal Charter in the year one thousand eight hundred and forty nine. The persons charged with the making of regulations under section six, or any two of them, may from time to time make regulations extending the above exemptions to any persons who pass any examination held in any of the above-mentioned Universities or in the Owen's College, Manchester, or in connection with any other University, College, or educational institution, and specified in that behalf in the said regulations.

Extending exemptions.

10. Any person satisfying the Chief Justice that he is qualified in any of the ways mentioned in the last preceding section, or in the regulations to be made thereunder, shall on the direction of the Chief Justice be entitled to have his name together with his qualification inserted by the Registrar in the articed clerks' book, and shall be entitled to the same rights and privileges as if he had passed the preliminary examination.

Names of persons so as above exempted to be inserted in articed clerks' book.

11. Every person whose name has been entered by the Registrar in the articed clerks' book shall be entitled to enter into articles of clerkship to any practising Solicitor, and no other person shall be so entitled.

Who may enter into articles of clerkship.

12. The Chief Justice may from time to time approve a form of articles of clerkship, and such form when so approved shall be lodged in the Registrar's Office and shall in all cases be used by Solicitors when taking persons to serve as their articed clerks.

Form of articles to be approved by Chief Justice.

13. As soon as any person has become duly bound under articles of clerkship to a Solicitor, he shall exhibit the said articles or cause them to be exhibited to the Registrar, who shall thereupon enter in the articed clerks' book against the name of such person the date when such articles were exhibited and the name of the solicitor to whom such person became bound, and the period of such person's service under articles of clerkship shall be deemed to commence at the date of such entry being made. The Registrar shall also mark such articles as having been so exhibited and entered with the date thereof.

Articles to be shewn to Registrar.

Registrar to note same in articed clerks' book.

14. An articed clerk may complete his period of service under one or more Solicitors, provided that on leaving any Solicitor to whom he was bound in articles and becoming bound to another Solicitor, he shall in every case execute

Articed clerk may complete service under one or more Solicitors.

Solicitors Act.

fresh articles of clerkship, and shall exhibit the same to the Registrar who shall thereupon make an entry of a similar purport as is hereinbefore provided in the articted clerks' book, and shall also mark the articles in the manner hereinbefore mentioned; provided that before such entry shall be made, such articted clerk shall satisfy the Registrar as to the date when his service ceased under his former articles, and the Registrar shall make an entry of such date against the entry respecting the former articles.

Articted clerk
intermitting
more than two
years to com-
mence de novo.

15. If any articted clerk shall intermit at any one time more than two years in his service under articles of clerkship, his service under articles shall commence again de novo in all respects, except that he shall not be required to have his name entered afresh in the articted clerks' book as being entitled to enter into articles of clerkship.

Articted clerk
serving in part
with practising
Barrister to
exhibit to Regis-
trar certificate
of such service.

16. Any articted clerk may serve a portion of his period of service, not exceeding twelve months in the whole, with any practising Barrister or Barristers, and it shall not be necessary in such case for him to become bound in articles of clerkship. In lieu of exhibiting to the Registrar articles of clerkship, he shall in every such case exhibit to him the certificate of such practising Barrister to the effect that such articted clerk has become the pupil of such practising Barrister, and the Registrar shall make an entry in accordance therewith in the articted clerks' book.

Meaning of
"Solicitor" and
"practising
Solicitor."

For the purposes of this section the word "Solicitor" or the words "practising Solicitor" occurring in the sections of this Act relating to service under articles shall be taken to include a practising Barrister, and the words "articles of clerkship" occurring in the same sections shall be taken to include the certificate in this section mentioned.

When articted
clerk eligible for
intermediate
examination.

17. No articted clerk shall be eligible as a candidate for the intermediate examination who shall not have served at least two years under articles of clerkship, and the examiners shall satisfy themselves by inspection of the articted clerks' book that each candidate has fulfilled this condition, and, if they think fit, they may call on any candidate to produce to them satisfactory proof of the duration of his service under articles.

Exemption from
intermediate

18. Any person who shall satisfy the Chief Justice that he has passed the intermediate examination appointed for

Solicitors Act.

articled clerks in England, or that he has been called to the bar in England or Ireland, or has been admitted as an Advocate in Scotland, and has procured himself to be disbarred with the view of becoming a Solicitor, shall not be required to obtain a certificate of having passed an intermediate examination under this Act, but shall be entitled on the direction of the Chief Justice to be admitted as a candidate at the final examination in the same manner as if he had passed the intermediate examination.

19. No articled clerk shall be eligible for the intermediate examination after a period of five years has elapsed from the date at which he passed the preliminary examination, but any such articled clerk may, if he think fit, again pass the preliminary examination, and so proceed in due course to the intermediate examination, being again subject, however, to the provisions of this section; provided always that the Chief Justice may, under exceptional circumstances, grant to any articled clerk a dispensation from the operation of this section, but not for a longer period than one additional year.

Articled clerk ineligible for intermediate after five years from date of preliminary examination.

Chief Justice may grant dispensation.

20. On any articled clerk producing to the Registrar a certificate that he has passed the intermediate examination, the Registrar shall enter the name of such person, together with the date of the certificate, in the articled clerks' book.

Registrar to enter certificate of intermediate examination.

21. An interval of eighteen months at least shall elapse in the case of each articled clerk between the date of the intermediate examination and that of the final examination, and no articled clerk shall be eligible as a candidate for the final examination after a period of nine years has elapsed from the date at which he passed the preliminary examination, but any such articled clerk may, if he think fit, again pass the preliminary examination, and so proceed to the intermediate and final examination, subject to the provisions of this section.

Interval between intermediate and final examination;

between preliminary and final examination.

22. On any articled clerk producing to the Registrar a certificate that he has passed the final examination, the Registrar shall enter the name of such person, together with the date of the certificate, in the articled clerks' book, and every such person shall, subject to the provisions herein-after contained, be entitled to be admitted and enrolled as a Solicitor.

On certificate of final examination to be enrolled as a Solicitor.

Solicitors Act.

Persons making regulations under section **six** or any two of them may make regulations under this section.

23. The persons charged with the making of regulations under section **six**, or any two of them, may from time to time make regulations directing that any person who has passed any examination held in the Universities of Oxford, Cambridge, Dublin, Durham, or London, or in the Queen's University in Ireland, or in any of the Universities in Scotland, or in the Owens College, Manchester, or in any other University, College, or educational institution, and specified in that behalf in such regulation may, after compliance with the other provisions of this Act, be admitted and enrolled as a Solicitor after service under articles of clerkship for the term of four years, but not so as to allow in any case a less term of service than four years.

When English or Irish Barrister or Scotch Advocate may be enrolled as a Solicitor.

Any person who shall satisfy the Chief Justice that he has been called to the bar in England or Ireland, or has been admitted as an Advocate in Scotland, and has procured himself to be disbarred with the view of becoming a Solicitor, may in like manner be admitted and enrolled after passing the final examination provided for by this Act.

Admission and enrolment of Solicitors.

Requirements for enrolment.

24. Every person who shall have entitled himself under the provisions of this Act to be admitted and enrolled as a Solicitor shall, before he shall be so admitted and enrolled, prove by the written declaration of himself and the Solicitor or Solicitors and Barrister or Barristers under whom he has served, to be duly made and filed with the Registrar, that he has actually and really served and been employed by such Solicitor or Solicitors and Barrister or Barristers during the whole time and in the manner required by this Act.

Chief Justice on being satisfied to admit Solicitor.

25. The Chief Justice shall, before he shall admit any person to be a Solicitor, inquire whether such person has complied with the provisions of this Act, and if the Chief Justice shall be satisfied that such person has complied with the provisions of this Act, and if no charge of moral unfitness shall be made against such person, he shall then and not otherwise administer or cause to be administered to such person the oath or affirmation hereinafter directed to be taken or made by Solicitors, in addition to the oath of allegiance, and after the taking of such oaths or affirmation shall cause him to be admitted as a Solicitor and his name to be enrolled in the Solicitors' rolls.

Admission and enrolment.

The form of admission and enrolment shall be prepared by the Registrar and signed by the Chief Justice.

Solicitors Act.

If any charge of moral unfitness shall be made against any such person by the Registrar or any other person, the Chief Justice shall cause the same to be investigated, and thereafter shall make such order in the matter as he shall think just.

Moral unfitness
of candidate.

26. Every person who shall in pursuance of this Act apply to be admitted as a Solicitor shall, on his being admitted and enrolled as aforesaid, take the following oath or affirmation ;

Oath to be
taken.

I, A. B., do swear (or solemnly affirm, as the case may be) that I will truly and honestly demean myself in the practice of a Solicitor according to the best of my knowledge and ability: So help me God.

Form of oath.

27. From and after the passing of this Act every person who shall be duly qualified to practise as a Solicitor in this Island and shall desire to do so shall in the month of January in every year cause his name to be entered by the Registrar in the Solicitors' rolls, and shall obtain from the Registrar a certificate of such registration on payment of a fee of ten shillings; provided always that if any such person shall desire to have his name registered after the month of January shall have elapsed, he shall pay a fee of twenty shillings for such entry and the certificate thereof; provided also that if any such person shall allow an interval of two years to elapse from the time his name was last registered he shall pay a fee of three pounds, and if an interval of five years shall have been allowed to elapse, such person shall not then be entitled to registration except by special permission of the Court of Common Pleas and on payment of a fee of five pounds.

Solicitor to reg-
ister annually
in January.

Proviso for reg-
istering after
January.

Proviso in event
of two years
elapsing without
registering.

In case the Registrar shall refuse to make the entry or to issue the certificate as aforesaid, the person aggrieved by such refusal or his attorney or agent may make application to the Chief Justice in chambers who shall make such order as may be just, and may also direct the cost of such application to be borne and paid by either party.

Registrar refus-
ing to register.

28. The Registrar shall cause to be published in the first number of the Official Gazette which shall issue in the month of February in every year an alphabetical list of persons who have registered their names as Solicitors at that time, and he shall also cause to be published in the

Register to be
published in
Official Gazette.

Solicitors Act.

first number of the Official Gazette which shall issue after any such registration the name of any person registering his name after the month of January shall have elapsed.

No person to practise as a Solicitor unless registered.

29. No person shall practise or conduct any business whatsoever as a Solicitor in any year unless such person shall have first registered his name and taken out such certificate as required by this Act ; provided that every person who shall have been so registered and shall have obtained such certificate in any year shall be entitled to practise during the said year and also during the month of January in the ensuing year.

Judges and others to notice publication of Solicitors.

30. All Judges, Justices, and other persons concerned shall take notice of the publication of the names of registered Solicitors in the Official Gazette.

Powers of Chief Justice for punishment of Solicitors.

31. So far as they are relevant to the circumstances of this Island, the Chief Justice shall have and exercise all and every the powers possessed by the High Court of Justice or any other court in England for the punishment of Solicitors, whether practising or otherwise, who may be guilty of improper conduct.

PART II.

DELIVERY AND TAXATION OF BILLS OF COSTS.

Summary order for delivery of bill of costs and documents.

32. The Chief Judge may on the application by summons in chambers of any client of a Solicitor make an order for the delivery by such Solicitor or his executor administrator or assignee of a bill of the fees charges and disbursements for any business whatever done by such Solicitor for such client, which have not been or are not before payment to be taxed by the officer of any court, and for the delivery up of deeds, documents, or papers in his possession custody or power or otherwise touching the same. The costs of and attending such application shall be in the discretion of the Chief Judge but no applicant shall be entitled to recover his costs unless the Solicitor or his executor administrator or assignee shall after demand made for such bill of costs have refused or neglected for an unreasonable time to deliver such bill.

Solicitors not to commence an action for fees till one month after delivery of bill.

33. (1.) No Solicitor or his executor administrator or assignee shall unless specially permitted by the Chief Judge commence or maintain any action or suit for the recovery of any fees, charges, or disbursements for any business whatever done by such Solicitor until the expira-

Solicitors Act.

tion of one month after such Solicitor, or executor, administrator, or assignee has delivered unto the client or sent by the post to or left for him at his office of business, dwelling house, or last known place of abode a bill of such fees, charges, and disbursements signed by such Solicitor (or in the case of a partnership, by any of the partners in his own name or in the name or style of such partnership) or by such executor, administrator, or assignee as aforesaid, or enclosed in or accompanied by a letter signed in like manner referring to such bill.

(2.) Upon the application of the client within such month the Chief Judge shall refer such bill and the demand of such Solicitor, or executor, administrator, or assignee thereupon to be taxed and settled by two Solicitors of not less than seven years' standing, one to be selected by the client desiring the taxation and the other by the person (or his representative or assignee) whose bill is to be taxed, without any money being brought into court, and the Judge on making such reference shall restrain such Solicitor or executor, administrator or assignee from commencing any action or suit touching such demand pending such reference.

Taxation within the month on application of client.

(3.) If no such application is made within such month, then such reference as aforesaid may be made either upon the application of such Solicitor, or executor, administrator, or assignee, or upon the application of the client with such directions and subject to such conditions as the Judge shall think proper, and the Judge may restrain such Solicitor, or executor, administrator, or assignee from commencing or prosecuting any action or suit touching such demand pending such reference upon such terms as he deems proper; provided always that no such reference as aforesaid shall be directed upon such application made by the client after a verdict has been obtained or a writ of enquiry executed in any action for the recovery of the demand of such Solicitor, or executor, administrator or assignee, or after the expiration of twelve months after such bill has been delivered, sent, or left as aforesaid, except under special circumstances to be proved to the satisfaction of the Judge.

Taxation after one month.

(4.) Upon every such reference if either such Solicitor or executor administrator or assignee, or such client having due notice refuses or neglects to attend such taxation the taxing officers may proceed to tax and settle such bill and demand *ex parte*.

Taxation *ex parte*.

(5.) If any such reference is made upon the application of the client or upon the application of such Solicitor,

Payment of cost of taxation.

Solicitors Act.

or executor administrator or assignee and the client attends upon such taxation the cost of such reference shall, except as hereinafter provided for, be paid according to the event of such taxation; that is to say, if such bill when taxed be less by a sixth part than the bill delivered sent or left then such Solicitor, executor, administrator or assignee shall pay such costs, and if such bill when taxed shall not be less by a sixth part than the bill delivered sent or left then the client making application or so attending shall pay such costs, and every order to be made for such reference as aforesaid shall direct the taxing officers to tax the costs of such reference which are to be so paid as aforesaid and to certify what upon such reference is found to be due to or from such Solicitor or executor administrator or assignee in respect of such bill and demand and of the costs of such reference if payable; provided always that the taxing officers may in all cases certify specially any circumstances relating to such bill or taxation and the Judge may make thereupon any such order as he thinks right respecting the payment of the costs of such taxation: provided also that where such reference as aforesaid is directed by reason only of special circumstances under subsection three of this section, then the Judge may if he thinks fit give any special directions relative to the costs of such reference.

Evidence of delivery of bill.

(6.) It shall not in any case be necessary in the first instance for any Solicitor, or executor administrator or assignee as aforesaid in proving a compliance with this Act to prove the contents of the bill he has delivered sent or left, but it shall be sufficient to prove that a bill of fees, charges, or disbursements signed in the manner aforesaid, or enclosed in or accompanied by such letter as aforesaid was delivered sent or left as aforesaid, but nevertheless it shall be competent for the other party to show that the bill so delivered sent or left was not such a bill as constituted a bona fide compliance with this Act.

Bills may be taxed upon the application of third parties.

34. Where any person not being the party immediately chargeable with any such bill is liable to pay or has paid such bill, either to the Solicitor, his executor, administrator or assignee, or to the party immediately chargeable with such bill, it shall be lawful for such person, his executor administrator or assignee to make such application for a reference for the taxation and settlement of such bill as the party immediately chargeable therewith might himself make, and the same reference and order shall be made thereupon and the same course pursued in all respects as if such

Solicitors Act.

application was made by the party so chargeable with such bill as aforesaid.

Provided always that if such application is made when under the provision herein contained a reference is not authorised to be made except under special circumstances it shall be lawful for the Chief Judge to take into consideration any additional special circumstances applicable to the person making such application, although such circumstances might not be applicable to the party so chargeable with the said bill as aforesaid if he was the party making the application.

35. It shall be lawful in any case in which the trustee executor or administrator has become chargeable with any such bill as aforesaid for the Chief Judge, if in his discretion he shall think fit, upon the application of a party interested in the property out of which such trustee executor or administrator has paid or is entitled to pay such bill, to refer the same, and such Solicitor's or executor's administrator's or assignee's demand thereupon, to be taxed and settled by two taxing officers appointed as hereinbefore provided with such directions and subject to such conditions as such Judge thinks fit and to make such order as such Judge thinks fit for the payment of what may be found due and of the costs of such reference to or by such Solicitor or the executor administrator or assignee of such Solicitor by or to the party making such application, having regard to the provisions as to similar applications by a client contained in section thirty four of this Act, so far as the same are applicable to such cases, and in exercising such discretion as aforesaid the said Judge may take into consideration the extent and nature of the interest of the party making the application ; provided always that where any money is so directed to be paid by such Solicitor or Solicitor's executor administrator or assignee, it shall be lawful for such Judge if he thinks fit to order the same or any part thereof to be paid to the trustee executor or administrator so chargeable with such bill instead of being paid to the party making such application ; and when the party making such application pays any money to such Solicitor, or Solicitor's executor, administrator or assignee in respect of such bill, he shall have the same right to be paid by the trustee executor or administrator so chargeable with such bill as such Solicitor or Solicitor's executor, administrator or assignee had.

Chief Judge may direct taxation of bills chargeable on executors, trustees, &c.

36. For the purpose of any such reference upon the application of the person not being the party immediately

Copy of bill to be delivered to

Solicitors Act.

person making application for reference for taxation. No re-taxation.

chargeable as aforesaid or of a party interested as aforesaid it shall be lawful for the Chief Judge to order any Solicitor or Solicitor's executor administrator or assignee to deliver to the party making such application a copy of the bill in dispute upon payment of the cost of such copy; provided always that no bill which has been previously taxed and settled shall be again referred unless under special circumstances the Chief Judge thinks fit to direct a re-taxation thereof.

Taxation of bill after payment.

37. The payment of any such bill as aforesaid shall in no case preclude the Chief Judge from referring such bill for taxation if the special circumstances of the case in the opinion of the Chief Judge appear to require the same upon such terms and conditions and subject to such directions as to the said Judge shall seem right; provided the application for such reference be made within twelve calendar months after payment.

Applications for taxation and for delivery up of bills and documents, how to be made.

38. All applications made under this Act to refer any Solicitor's bill to be taxed and settled and for the delivery of any such bill and for the delivery up of deeds documents and papers shall be made by application to the Chief Judge in chambers; and upon the taxation and settlement of any such bill the certificate of the taxing officers shall (unless set aside or altered by order of the Judge in chambers) be final and conclusive as to the amount thereof, and the Chief Judge may order judgment to be entered up for such amount with costs unless the retainer shall be disputed or may make such other order thereon as the said Judge shall deem proper.

Chief Judge may appoint Solicitor to tax, in default of either party doing so.

39. (1) If in any case either of the parties interested in the taxation of any bill of costs fails to appoint a Solicitor as required by subsection two of section thirty three of this Act, the Chief Judge shall make such appointment.

Matters of difference between the Solicitors to be settled by Chief Justice.

(2) If on the taxation of any bill of costs the taxing Solicitors are unable to agree the matter of difference shall be reported by them to the Chief Judge and his decision thereon shall be final.

Fee for taxation.

(3) The fee to be paid to each of the taxing officers shall be one guinea, unless under special circumstances the Chief Judge shall direct a larger fee to be paid, and all fees

Solicitors Act.

paid for taxing any bill of costs shall form part of the costs of taxation.

PART III.

MISCELLANEOUS PROVISIONS.

40. The persons charged with the making of regulations under section six, or any two of them, may from time to time make general regulations for the better carrying into effect the purposes of Part I of this Act, provided that no such regulations shall be inconsistent with this Act.

Persons making regulations under section six, or any two of them, may make general regulations.

Any regulation made under the authority of this Act may be altered or revoked by a subsequent regulation.

Altering or revoking.

All such regulations when made shall be transmitted to the Chief Justice, who shall have power either to approve or disallow the same or to refer them back for amendment or alteration, and when such regulations shall have been approved by the Chief Justice, they shall be filed with the Registrar and shall be published in the Official Gazette and thereafter shall be binding on all parties concerned.

Regulations transmitted to Chief Justice for approval.

41. The Governor may at any time, with the approval of the Chief Justice, enter into an arrangement with the Incorporated Law Society of England to conduct either the intermediate or the final examination, or both, of articled clerks in this Colony, and may do all things necessary to carry out such an arrangement, subject to such regulations in that behalf as may be made by the persons charged with the making of regulations under section six or any two of them.

Incorporated Law Society of England may conduct intermediate or final examination.

In any such event so much of this Act as is inconsistent with the carrying into effect of any such arrangement shall stand repealed.

42. No Barrister shall have more than one and no Solicitor shall have more than two articled clerks at one and the same time, and no Barrister or Solicitor shall take, have, or retain any articled clerk after he shall have discontinued practising as, or carrying on the business of, a Barrister or Solicitor nor whilst he shall be employed or retained as a writer or clerk by any other Barrister or Solicitor, and service under articles to a Barrister or Solicitor in either of these two cases shall not be deemed good service for the purposes of this Act.

Number of articled clerks allowed.

Solicitors Act.

Construction of enactments.

43. All enactments referring to attorneys or proctors which are in force immediately after the coming into operation of this Act shall be construed as if the expression "Solicitor" as defined by this Act was therein substituted for the expression "attorney" or "proctor."

When Solicitors may appear as counsel.

44. Whenever the Solicitor of any person who is party to any action, suit, or trial, civil or criminal, in any of the courts of this Island in which Barristers only are entitled to audience, shall satisfy the Judge of such court that his client is unable to obtain the assistance of counsel, it shall be lawful for the said Judge, and he is hereby authorized to grant permission to such Solicitor to appear and sit and conduct the case in the same manner to all intents and purposes as if he were a Barrister, and such Solicitor shall pro hac vice enjoy all the rights and privileges which appertain to, and be subject to all the rules and regulations which govern, members of the bar.

No fee recoverable unless Solicitor registered.

45. No person shall be entitled to sue for or recover in any court whatever any fee or reward for the drawing or preparing of any conveyance or deed of or relating to any real or personal estate, unless at the time when such conveyance or deed was drawn or prepared such person was a Solicitor registered under the provisions of this Act; provided that nothing in this section contained shall affect the rights of the executor or administrator of any registered Solicitor.

Solicitor's charges a lien on property recovered or preserved.

46. In every case in which a Solicitor shall be employed to prosecute or defend any suit, matter, or proceeding in any court of justice, it shall be lawful for the Court or Judge before whom any such suit, matter, or proceeding has been heard or shall be depending, to declare such Solicitor entitled to a charge upon the property recovered or preserved, and upon such declaration being made such Solicitor shall have a charge upon and against, and a right to payment out of, the property of whatsoever nature, tenure, or kind the same may be, which shall have been recovered or preserved through the instrumentality of any such Solicitor, for the taxed costs, charges, and expenses of or in reference to such suit, matter, or proceeding, and it shall be lawful for such Court or Judge to make such order or orders for taxation of and for raising and payment of such costs, charges, and expenses out of the said property as to such Court or Judge shall appear just and proper, and all conveyances and acts done to defeat, or which shall operate to

Solicitors Act.

defeat, such charge or right shall, unless made to a bona fide purchaser for value without notice, be absolutely void and of no effect as against such charge or right; provided always that no such order shall be made by any such Court or Judge in any case in which the right to recover payment of such costs, charges, and expenses is barred by any statute of limitation.

Proviso where Solicitor's costs are barred by statute.

47. In every case in which a Solicitor has been or shall be employed to prosecute or oppose any inquiry whether a person is a lunatic, idiot, or of unsound mind, and incapable of managing himself or his affairs, or in or about any proceedings consequent upon such inquiry, and the costs of such Solicitor have not been paid in the lifetime of such person, it shall be lawful for the Vice Chancellor, or other the person or persons entrusted with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, to make such and the like orders, and to exercise the like power and authority for taxation of and for raising and payment of such costs after the death of such person as could or might have been exercised or made in his lifetime; and such orders and proceedings shall be as valid and effective to all intents and purposes as if made in the lifetime of the lunatic; provided always that it shall not be lawful for the Court or Judge to make any such order but within six years next after the right to recover such costs, charges, and expenses shall have accrued.

Solicitor's charges where person is a lunatic, idiot, or of unsound mind.

Proviso.

48. The Judges of the Assistant Court of Appeal, the Judges of the Petty Debt Courts, the Police Magistrates, the Master in Chancery, and the Registrar respectively, shall not practise or conduct any business whatsoever as a Solicitor in any of the courts of this Island.

Who not entitled to practise.

49. The fees payable to examiners and the expenses of prizes and of carrying out the provisions of this Act shall be certified by the Registrar and shall be borne and paid by the Public Treasury on the warrant of the Governor-in-Executive Committee.

Fees to examiners, how certified and paid.

50. All fees received under the authority of this Act or any regulations to be made thereunder shall be paid into the Public Treasury. It shall however be lawful for the Governor at any time to direct that all or any of such fees shall be paid by means of stamps of such kind as shall be specified, and to require all things necessary in that behalf to be done.

Fees payable into Treasury.

Fees paid by stamps.

Employers Liability Act.

1896—7.

An Act to extend and regulate the Liability of Employers to make Compensation for Personal Injuries suffered by Workmen in their service.

[25 November 1896.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Employers Liability Act, 1896,

Definitions.

2. For the purposes of this Act, unless the context otherwise requires,—

The expression “person who has superintendence entrusted to him” means a person whose sole or principal duty is that of superintendence, and who is not ordinarily engaged in manual labour :

The expression “employer” includes a body of persons corporate or unincorporate :

The expression “workman” does not include a domestic or menial servant, but, save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, railway servant, or otherwise engaged in manual labour, whether under the age of twenty one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

Amendment of law.

3. Where after the commencement of this Act personal injury is caused to a workman—

(1) By reason of any defect in the condition of the ways, works, machinery, or plant connected with or used in the business of the employer ; or

(2) By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence ; or

(3) By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform,

Employers Liability Act.

and did conform, where such injury resulted from his having so conformed; or

(4) By reason of the act or omission of any person in service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf; or

(5) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, points, locomotive engine, or train upon a railway,—the workman, or, in case the injury results in death, the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of nor in the service of the employer nor engaged in his work.

4. A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases; that is to say, Exceptions to amendment of law.

(1) Under subsection one of section three, unless the defect therein mentioned arose from, or had not been discovered or remedied owing to, the negligence of the employer or of some person in the service of the employer and entrusted by him with the duty of seeing that the ways, works, machinery, or plant were in proper condition.

(2) Under subsection four of section three, unless the injury resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned; provided that where a rule or by-law has been approved or has been accepted as a proper rule or by-law by the Executive Committee under or by virtue of any Act of the Legislature, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law.

(3) In any case where the workman knew of the defect or negligence which caused his injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the said defect or negligence.

5. The amount of compensation recoverable under this Act shall not exceed such sum as may be found to be the equivalent to the estimated earnings, during the three years Limit of sum recoverable as compensation.

Employers Liability Act.

preceding the injury, of a person in the same grade employed during those years in the like employment, and in the district in which the workman is employed at the time of the injury.

Limit of time for recovery of compensation.

6. An action for the recovery under this Act of compensation for an injury shall not be maintainable unless notice that the injury has been sustained is given within six weeks, and the action is commenced within six months from the occurrence of the accident causing the injury or, in case of death, within twelve months from the time of death; provided always that in case of death the want of such notice shall be no bar to the maintenance of such action if the Judge shall be of opinion that there was reasonable excuse for such want of notice.

Assistant Court of Appeal's and Petty Debt Court's jurisdiction.

7. The Judges of the Assistant Court of Appeal and the Judges of the Petty Debt Courts of this Island respectively shall have jurisdiction to hear and determine all actions brought under the provisions of this Act where the sum claimed as damages is not beyond the jurisdiction of the said Assistant Court of Appeal and Petty Debt Courts respectively.

Mode of serving notice of injury.

8 (1) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or, if there is more than one employer, upon one of such employers. The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served. The notice may also be served by post by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business; and, if served by post, shall be deemed to have been served at the time when a letter containing the same would be delivered in the ordinary course of post; and in proving the service of such notice, it shall be sufficient to prove that the notice was properly addressed and registered.

(2) Where the employer is a body of persons corporate or unincorporate, the notice shall be served by delivering the same at, or by sending it by post in a registered letter addressed to, the office, or, if there be more than one office, any one of the offices of such body.

(3) A notice under this section shall not be deemed

Employers Liability Act.

invalid by reason of any defect or inaccuracy therein, unless the Judge who tries the action arising from the injury mentioned in the notice shall be of opinion that the defendant in the action is prejudiced in his defence by such defect or inaccuracy and that the defect or inaccuracy was for the purpose of misleading.

An Act to vest the Property devised by Joseph Lyder upon Charitable Trusts for the Poor of the parish of Saint John in the Rector and Churchwarden of the said parish for the time being, and to declare the Trusts concerning the same.

[25 November 1896.]

Whereas Joseph Lyder, the elder, late of the said parish Preamble.
of Saint John, freeholder, deceased, duly made his last will and testament dated the fourth day of April one thousand eight hundred and forty three in the following words:—
“This is the last will and testament of Joseph Lyder, Senr., in the parish of Saint John and Island aforesaid who are poorly in health but of a sound disposing mind and memory thanks be to God do make and ordain this as my last will and testament in manner and form following (vizt.)
Imprimis I order all my just debts and funeral expenses are fully paid and satisfied by my executors and executrix hereafter named as quick after my death as possible authorising and empowering them to call in all my money that are out due to me by any person or persons whatsoever and to sell my pony and its furniture for the most money that can be got and add such money to my money that are out due to me and after paying my just debts such as can be properly proved the balance of my money shall be appropriated as I shall hereafter order and direct. Item I give unto my eldest son Joseph Lyder, junr., on the first day of each May the sum of sixty four dollars currency for and during his life, and I order the sum of forty eight dollars currency to be spent on his funeral such money to be paid by my executors or executrix. I also order and direct that my eight acres of land in St. Philips rented by Mrs. Nicholas Harris shall be continued on rent and when Affey Reed dyes I authorise and empower my executors and executrix to take in their possession in my behalf the acre and a half of land she held for hers life its being my property bought from

Lyder Trust Property (St. John's) Act.

Mr. Henry Tate Reed and such land I order to rented oute annually for the most money that can be got and the moneys arising from the rents added to Mrs. Harris rents every year I order after paying my son Joseph Lyder, junior, sixty four dollars currency on the first day of each May for his life, I order the balance of such rent money to be given to my friend Sarah Ann Baker for the uses of herself and my four daughters Sarah Ann Baker—alias Lyder, Elizabeth Harris Baker alias Lyder—Mary Gittens Baker alias Lyder, Jean Francis Baker alias Lyder and my mulatto daughter Hannah Rittah, my daughter Hannah Rittah having the one-fifth part of such rent money annually, and when my son Joseph Lyder, junior, dyes the whole of such rent money to be paid annually to Mrs. Sarah Ann Baker for the above purposes, Hannah Rittah having the one-fifth part paid her annually but should either of such five girls die I order that part or parts of such money to be equally divided to the survivor or survivors of them. Item. Its my will and desire that immediately after my death that my friend Sarah Ann Baker shall take my property called “Puckerins” with all my buildings and crop thereon and my place called “Zoar” with all the buildings and crop thereon unto her possession for the purposes hereafter named after giving Malah Bell half an acre of land for her life all the remainder for the uses of Mrs. Baker and my four illegitimate daughters aforementioned, Mrs. Baker holding the said two properties aforementioned for her life and spending the profits on herself and my four illegitimate daughters annually and at her death a genteel funeral given her out of such property of her four children. But should she marry or act indiscreetly all power invested in her by this will shall be null and void and my executors shall act for my four children aforementioned daughters of Mrs. Sarah Ann Baker; at Mrs. Baker's death I give unto Mary Gittens Baker alias Lyder my place called Puckerins with all the buildings thereon and crop for her life and to be buried out of the income of the said property, my place called Zoar to my three other daughters Sarah Ann Baker alias Lyder, Elizabeth Harris Baker alias Lyder, Jean Francis Baker alias Lyder equally divided for their lives and at Malah Bell's death the half acre of land left her to return to the said property and divided between the said three daughters abovenamed for their lives, but should either of the four illegitimate daughters dye their part or parts of such property left them for their lives shall be equally divided to the survivors of them for their lives the half acre of land for Malah Bell for her

Lyder Trust Property (St. John's) Act.

life to be the land around Mrs. Bradshaw's house up to my corner stone should either of my three daughters aforementioned say Sarah Ann Baker alias Lyder, Elizabeth Harris Baker alias Lyder, Jean Francis Baker alias Lyder, either dye their funeral expenses shall be paid oute of such property left them and the said three illegitimate daughters aforementioned shall have the buildings and crop on the said property Zoar whenever they take it in their possession for their lives. Item I give unto my mulatto daughter Hannah Rittah for her life my six acres of land under St. John's Church, with all the buildings thereon she giving Ishmael one acre of such land the upper way with the kitchen thereon for his life and then to return back to Hannah Rittah or to the property if Hannah Rittah dyes in her mother Peyche the same property to go to Peyche for her life, except the part of Ishmael's, at the death of Peyche and Hannah Rittah, their part of such property to be for the use of my four illegitimate daughters, equally divided for their lives; also at Ishmael's death his acre to return to the property and for the same four daughters illegitimate as before named for their lives and should either of them dye, their part or parts of such property to be equally divided to the survivor or survivors of them for their lives. Item I give unto Martha Phillips my two acres of land rented by Mr. Willy Searles to her and her heirs but if she dye and leave no heir of her body the said land to return to my four illegitimate daughters aforementioned equally divided for their lives or such of them as are alive at that time. Item its my will and desire that after my just debts are paid all the balance of my money that I am entitled to either in my house or out, due to me, shall be equally divided between my four illegitimate daughters aforementioned, and my daughter Hannah Rittah to them, but should either of them die ere they get their money their funeral shall be paid out of such money and the balance to be equally divided amongst the survivors of them or survivor. I also order and direct that all my furniture, plate ware of every kind linen bed or beds or any other thing or things I dye possessed of shall be kept together as in my lifetime for Mrs. Sarah Ann Baker use for her life and the use of my four illegitimate daughters aforementioned and at her death all such furniture plate ware of every kind linen beds or any other thing or things of such kind I dye possessed of shall be equally divided between my four illegitimate daughters aforementioned or such of them as are alive. Mrs. Baker giving Hannah Rittah ten pounds currency to buy furniture out of her children's portion of money so that my furniture are not to be divided from my

Lyder Trust Property (St. John's) Act.

four illegitimate daughters aforesaid. I also order and direct that after the death of all such persons in this will who have life property that all landed property named in this will shall be rented out and such moneys from the rents equally divided every year between all such whites as are bedridden, blind, or so lamm that they cannot earn their daily bread of St. Johns parish and such money I order to be divided by the minister of the said parish for the time being. Lastly I nominate, constitute and appoint my friends Henry Husbands Haynes, Esq., John Thorne Gollop, Esq., and James Evelyng Blades, Esq., as my executors to this my will and my friend Mrs. Sarah Ann Baker my executrix. In witness whereof I have hereunto set my hand and seal this fourth day of April in the year of Our Lord eighteen hundred and forty three. And whereas the said Joseph Lyder, the elder, died in the year one thousand eight hundred and forty three without having altered or revoked his said will and the same after his death was duly admitted to probate and recorded in the Colonial Secretary's Office in this Island; And whereas the said Henry Husbands Haynes, John Thorne Gollop, James Evelyn Blades, and Sarah Ann Baker who were appointed executors and executrix of the said will are all dead; And whereas all the persons named in the testator's will who took life estates respectively under the said will in the testator's landed property or some portion of it are dead (with the exception of the said Malak Bell and Hannah Rittah) and in accordance with the provisions contained in the said will concerning the same all the testator's landed property named in his said will should be rented out and the rents and profits applied and divided every year as in the said will directed but there is no one who is legally authorized to enter upon and take possession of the said landed property and rent it out and apply the rents and profits thereof; and whereas it is necessary that trustees should be appointed of the said will to execute the trusts thereof: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Lyder Trust Property (St. John's) Act, 1896.

The trust estate to vest absolutely in the Rector and Churchwarden of the parish on trust.

2. Immediately after the passing of this Act all the hereinbefore described lands and hereditaments which passed under the will of the said Joseph Lyder, the elder, upon trust for the charitable purposes therein mentioned shall, subject to any life interests that may be still subsisting in

Lyder Trust Property (St. John's) Act.

any portion thereof, absolutely vest and the same are hereby absolutely vested in Evan McGregor Sealy and John Sealy, the present Rector and Churchwarden respectively of the parish of Saint John, and the persons who shall from time to time be the Rector and Churchwarden of the said parish (so long as such persons shall hold the said offices respectively) upon the trusts and for the purposes hereinafter declared concerning the same.

3. The trustees shall let the said lands as a whole or in parcels for such period or periods and at such rent or rents and generally upon such terms and conditions as to them shall seem best, and they may grant and execute to the tenant or tenants thereof or of any part thereof such lease or leases of the said lands and hereditaments or any part or parts thereof as may be deemed expedient, or they may manage and cultivate the said land or any part or parts thereof.

Powers of trustees as to management.

4. The rents proceeds and profits to be derived from the said land and hereditaments shall be paid over by the trustees as soon as received to the Vestry for the time being of the said parish of Saint John and be applied by such Vestry in accordance with the trusts contained in the will of the said testator.

Application of rents and profits.

5. The costs of preparing and passing this Act or incident thereto, and the costs of obtaining possession of any of the lands hereinbefore referred to shall be defrayed by the said trustees out of rents and profits of the said lands coming to them.

Payment of costs of obtaining the Act and possession of the lands how paid.

1896—9.

An Act to consolidate the Acts of this Island authorising the Vestry of the parish of Saint Michael to raise a Loan of six thousand five hundred pounds for Sanitary Works, and to enlarge the Westbury Cemetery.

[2nd December 1896]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Saint Michael's Parish (Barbados) Loan Act.

Short title.

1. This Act may be cited as the Saint Michael's Parish (Barbados) Loan Act, 1896.

Power to borrow a sum not exceeding £6,500.

2. (1) It shall be lawful for the Vestry of the parish of Saint Michael, and they are hereby authorised from time to time as they may require the same, to borrow from any person or persons, bodies politic or corporate, willing to lend them the same, any sum or sums of money not exceeding altogether six thousand five hundred pounds to be applied exclusively for the purposes hereinafter mentioned.

Sum borrowed to be a charge on the rates.

(2) The money so borrowed with interest thereon at a rate not exceeding six pounds per centum per annum shall be a charge on the rates of the said parish until repaid, and shall rank against the same next after any money borrowed under the Saint Michael's Central Almshouse Act 1880, the Saint Michael's Central Almshouse (Amendment) Act 1884, the Saint Michael's Parish (Barbados) Loan Act 1886, and the Saint Michael's Parish (Barbados) Loan Act 1889, respectively and still remaining due and unpaid.

Rates to be laid for repayment of loan.

3. For the purpose of repaying any sum or sums which may be borrowed as aforesaid (not exceeding together six thousand five hundred pounds) the Vestry are hereby authorised and required to lay a rate on all persons, companies, and firms ratable in the said parish in the year one thousand eight hundred and ninety four and in each and every of the nineteen following and succeeding years sufficient to pay a sum equal to five per cent. of the principal sum or sums which may be borrowed with the interest annually becoming due in those years on the principal sum or sums and the several unpaid balances thereof; and such rates are to be laid in the usual manner, and are to be subject to confirmation or amendment in the usual manner.

Certificate of loan to be given lender.

4. Whenever any sum or sums shall be borrowed under the provisions of this Act, the Chairman, Churchwarden, and senior member of the Vestry for the time being in Vestry assembled, shall give to the persons from whom any sum or sums may be borrowed a certificate or certificates showing the amount borrowed in the words or to the effect in schedule A to this Act.

Memorial of such certificate to be kept by the Parochial Treasurer.

5. (1) An entry or memorial of every such certificate, containing the number and date thereof, and the names of

Saint Michael's Parish (Barbados) Loan Act,

the persons (with their proper additions), bodies politic or corporate to whom the same shall have been made, and of the sum borrowed together with the rate of interest to be paid thereon, and the date on which the sum mentioned in the said certificate is appointed to be paid, shall within fourteen days after the date thereof be entered in a book to be kept for that purpose by the Parochial Treasurer of the said parish which book may be perused at all convenient hours of the day by any person interested in any certificate upon payment of a fee of sixpence to the Parochial Treasurer.

(2) All persons, bodies politic or corporate, to whom any such certificate shall have been issued as aforesaid, or who shall become entitled to the money due thereon, may from time to time transfer their respective rights and interests therein to any other person, bodies politic or corporate. Transfer of certificates.

(3) Any transfer thereof shall be in the words or to the effect in schedule B to this Act, and must be attested by two witnesses. Form of transfer.

(4) Every such transfer shall be produced to the Parochial Treasurer of the said parish who shall cause an entry or memorial to be made thereof in the same manner as of the original certificate, for which entry or memorial the Parochial Treasurer shall be paid a fee of two shillings and sixpence. Transfer to be noted by Parochial Treasurer.

(5) After such entry made every transfer shall entitle the assignee or his executors administrators and assigns to the full benefit of the certificate and payment thereof, and it shall not be in the power of any person, bodies politic or corporate, who shall have made such transfer, to make void, release, or discharge the transfer or any sum of money then due or owing thereon or thereby secured or any part thereof. Effect of transfer.

(6) No transfer of any certificate issued under the authority of this Act shall be of any force or validity until the same shall have been duly noted in the book to be kept for that purpose by the Parochial Treasurer. Transfer not valid until noted.

6. On the day or respective days appointed in the certificates for the payment of the money and interest named Payment of interest and principal.

Saint Michael's Parish (Barbados) Loan Act.

therein, the Vestry shall on demand pay through the Parochial Treasurer of the said parish, at his office, to the holders of the respective certificates the several amounts named therein respectively together with all interest due thereon to such day or days.

Interest on certificate when to cease.

7. From and after the day appointed in each certificate for the payment of the money named therein all interest shall cease and determine in respect of the money named in such certificate, and that notwithstanding that payment of the money named in such certificate shall not have been made through not having been demanded.

Receipt for interest to be endorsed on certificate.

8. (1) Whenever any interest money shall be paid to the holder of a certificate on the principal sum named in such certificate a receipt for such interest money shall be endorsed on such certificate and signed by the person receiving the interest, and a duplicate receipt for the interest shall at the same time be given by the same person to the Parochial Treasurer to be filed by him in his office.

When money raised certificate to be cancelled.

(2) Every certificate shall, together with the transfers thereof (if any), at the time of the payment of the money named in such certificate, together with all interest thereon as aforesaid, be delivered up to the Vestry and shall forthwith be cancelled or destroyed by them; provided always that if any certificate or transfer shall have been destroyed, lost, or mislaid, the Vestry shall still pay the sum named in such certificate and the interest thereon to the person, bodies politic or corporate whom they may consider entitled to the same respectively, upon being satisfied (at the cost of such person, bodies politic or corporate) that such certificate has been destroyed or cannot be found, and upon receiving such sufficient guarantee of indemnity as they may think fit to require, or as they may by their counsel in the law be advised to require.

Of the sum raised £5,000 to be paid to the Commissioners of Health for the construction of certain drains;

9. (1) The Vestry shall pay the sum of five thousand pounds, part of the money which they are by this Act authorised to borrow, immediately after the same shall have been received by them, to the Commissioners of Health for the parish of Saint Michael, who shall apply the same exclusively in the construction and re-construction of drains in the following localities, namely, that near Harmony Hall, that at the Pine Cross Road, those in Jemmott's Lane (two), that which extends from Mason Hall Street known as Kensington Drain, and that in Fontabelle known as Armstrong's Drain, and also in payment of all necessary

Saint Michael's Parish (Barbados) Loan Act.

expenses attending the preparation of plans and the carrying on and supervision of the work; provided always that should any money remain after payment of all sums required for the purposes aforesaid, the same shall be applied by the Commissioners in the construction and re-construction of any drains or gutters in the City of Bridgetown and parish of Saint Michael which they may think most necessary and in payment of all expenses incidental thereto.

(2.) For the purposes of the preceding subsection, the said Commissioners shall, in addition to the powers conferred on and vested in Commissioners of Health by the Public Health Act 1908, possess and exercise powers similar to those conferred on Commissioners of Highways by subsection one of section ten of the Highways Act 1900 in relation to the building and repairing of tunnels and drains.

10. (1.) The Vestry shall apply the sum of one thousand five hundred pounds, the balance of the money which they are by this Act authorised to borrow, exclusively in the purchase of lands adjoining the Westbury Cemetery and in enclosing such lands as part of the Cemetery, and also in payment of all legal costs and charges, and any other necessary expenses incurred in effecting such purchase or otherwise in relation to the acquisition of such lands, if the said sum of one thousand five hundred pounds shall be sufficient to pay such costs charges and expenses; provided always that should any money remain after payment of all sums required for the purposes aforesaid, the same shall be carried by the Vestry to the credit of their general revenue and applied for ordinary parochial purposes.

and £1,500 to be applied by the Vestry in enlarging the Westbury Cemetery.

(2.) On payment by the Vestry of the purchase money of any lands acquired by them for the purpose of enlarging the Westbury Cemetery, the fee simple of and in such lands shall be conveyed so as to vest in the Westbury Cemetery Board and their successors; and all the provisions of the Westbury Cemetery Act 1908 shall apply to such lands in the same manner and as fully and effectually to all intents and purposes whatsoever as if they had originally formed part of the Westbury Cemetery.

11. All acts matters and things authorised or necessary to be done or executed by the Vestry under this Act may be done and executed by the majority of the members of the Vestry in Vestry assembled.

Majority of Vestry to be the Vestry for the purposes of the Act.

12. All certificates given and transfers made under the authority of the Saint Michael's Parish (Barbados) Loan Act

Saint Michael's Parish (Barbados) Loan Act.

1894 shall be deemed to have been given and made under the authority and shall be subject to the provisions of this Act.

SCHEDULE A.

CERTIFICATE NUMBER.

The Saint Michael's Parish (Barbados) Loan Act 1896.

Form of
certificate.

We, the Chairman, Churchwarden, and senior member of the Vestry of the parish of Saint Michael, in Vestry assembled, do with the authority of the said Vestry hereby certify that the said Vestry have under the provisions of the said Act borrowed from

of the
sum of the
which sum has been paid to the said Vestry and is to carry pounds,
interest from this date at the rate of per
centum per annum, and the said sum with the interest
thereon is to be repaid at the Parochial Treasurer's office in
the said parish on the day of
one thousand eight hundred and
ninety

Given under our hands this day of
one thousand eight hundred and
ninety

SCHEDULE B.

The Saint Michael's Parish (Barbados) Loan Act 1896.

Form of
transfer.

I of
do hereby transfer a
certificate, dated the day of
one thousand eight hundred and ninety , and num-
bered , made by the Vestry of the
parish of Saint Michael under the provisions of the said Act
for securing the sum of pounds and
interest thereon, and the money thereby secured, and all my
right and interest in and to the same, to
of
his executors administrators and assigns for value of him
received.

Dated this day of one
thousand eight hundred and ninety

Witnesses :

Victoria Emigration Society Act.

1897—1.

An Act to provide for the Commemoration of the completion of the sixtieth year of the reign of Her Most Gracious Majesty Queen Victoria by the institution of a Society for assisting the Emigration of Poor Women who cannot earn their living in this colony.

[21 May 1897.]

WHEREAS the inhabitants of the colony of Barbados desire Preamble.
to commemorate the completion of the sixtieth year of the reign of Her Most Gracious Majesty, Queen Victoria; and whereas Her Majesty has expressed the wish that any such commemoration should be in the direction of acts of mercy and charity; and whereas it is considered that the most suitable way of commemorating the said event is by founding a society for assisting the emigration of poor women who are unable to earn their living in this colony: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the *Victoria Emigration Short title.*
Society Act, 1897.

2. (1.) The Governor of this Island, the Lord Bishop Trustees and directors.
of the diocese, the Colonial Secretary, the Attorney General, one member of the Legislative Council to be appointed by the President, and three members of the House of Assembly to be appointed by the Speaker, shall be the trustees and the directors of the said Society.

(2.) The President of the Legislative Council and the Speaker of the House of Assembly shall fill up, from time to time, all vacancies that may occur amongst the directors to be appointed from the Legislative Council and the House of Assembly respectively; and notwithstanding the expiration, dissolution, or prorogation of the General Assembly, the directors appointed from that body shall, during such expiration, dissolution, or prorogation continue to have and exercise the same powers and authorities without any re-appointment; but should any of them cease to be members of the General Assembly they shall cease to be directors of the said Society.

3. The trustees and directors shall be one body corpor- Incorporation of the Society
ate and politic, in deed, name, and in law, by the name of the *Victoria Emigration Society*, and by the same name they shall have perpetual succession, and shall and may use

Victoria Emigration Society Act.

a common seal for the business and affairs of the said society with power to change, alter, break, and make new the same, when and so often as they shall judge the same to be expedient; and they and their successors, by the same name, may sue and be sued in all courts and places of judicature within this Island, in all actions, pleas, suits, plaints, matters, and demands of what kind soever, and may act and do in all matters and things relating to themselves and their corporate property, real and personal, in as ample a manner and form, and as fully and effectually, as any other of Her Majesty's subjects lawfully may or can, and they and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain for the ends and purposes of this Act, all such goods, chattels, and effects, and sums of money, and securities for money, which shall at any time hereafter be paid, given, or bequeathed, or which shall be purchased or accumulated by them of what nature, value or amount soever, and they and their successors by the name aforesaid shall and may forever hereafter be persons able and capable in the law to purchase, have, take, hold, receive and enjoy to them and their successors, messuages, lands, rents, tenements, annuities, and hereditaments of what nature or kind soever in fee, and in perpetuity, or for terms of lives or years, for the better carrying on the charitable end and designs of the said trustees and directors, and for the investment of the capital and funds for the time being of the said trustees and directors, and the said society shall have full power to sell, grant, demise, exchange, and dispose of any of the messuages, lands, rents, tenements and hereditaments whereof or wherein they shall have any estate or interest as aforesaid, and to reinvest the proceeds if necessary, in such manner, and in such securities, as they may deem suitable.

Trustees may take and hold property given or devised.

4. It shall and may be lawful for any person or persons, bodies politic or corporate, their heirs and successors respectively, to give, grant, sell, alien, assign, devise, bequeath, or dispose of in mortmain, in perpetuity or otherwise, to or for the use and benefit of or in trust for the said trustees and directors and their successors, any messuages, lands, tenements, rents, annuities, and hereditaments whatsoever, and any sum or sums of money to any amount, and any goods and chattels of whatsoever value for the purposes of the said Society, all which gifts, grants, conveyances, assignments, bequests, and dispositions, the said trustees and directors are hereby authorized and enabled to receive, accept, and hold.

Victoria Emigration Society Act.

5. (1) A sum of five hundred pounds shall be granted from the Public Treasury to the said trustees and directors towards the support of the said society. Grants in aid from the Public Treasury; annual statement of revenue and expenditure.

(2) An annual grant of one hundred and fifty pounds shall be made from the Public Treasury towards the support of the society, payable to the said trustees and directors, on the warrant of the Governor-in-Executive Committee, and the said trustees and directors shall lay before the Legislature annually a statement of the revenue and expenditure of the said society for the preceding year: such statement shall first be submitted to the Auditor General for audit.

6. The said trustees and directors may meet as often as may be necessary, and any five of them shall form a quorum. They shall have full power and authority to apply and dispose of the moneys, goods, and effects which shall from time to time be contributed or given on account of the said society, and of all moneys and effects belonging to the said society, in assisting the emigration of poor women who are compelled to earn their living but are unable to do so in Barbados; provided always that the provisions of this section shall apply only to natives, or to persons who are domiciled and have resided in Barbados for not less than five years. Quorum. Object of the Society.

7. The Colonial Treasurer shall be treasurer of the said society; and the clerk of the Poor Law Board shall act as the clerk of the said trustees and directors. Treasurer and clerk.

8. The said trustees and directors may as often as they may think necessary make, alter, or repeal regulations for the good government of the affairs of the society. Regulations.

1897—2.

Landlord and Tenant Act.

1897—2.

An Act to consolidate and amend the Acts of this Island relating to Landlord and Tenant.

[19 June 1897]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Landlord and Tenant Act, 1897.

INTERPRETATION.

Meaning of words.

2. In this Act the following words shall have the meanings hereinafter assigned to them, namely :—

“ premises ” shall be taken to signify lands, houses, or other corporeal hereditaments,

“ person ” shall be taken to comprehend a body politic, corporate, or collegiate as well as an individual,

“ landlord ” shall be understood as signifying the person entitled to the immediate reversion of the premises, or if the property be held in joint tenancy, coparcenary, or tenancy in common, shall be understood as signifying any one of the persons entitled to such reversion,

“ agent ” shall be taken to signify any attorney lawfully constituted, or any person usually employed by the landlord or his attorney in the letting of the premises, or in the collection of the rents thereof, or specially authorized to act in the particular matter by writing under the hand of such landlord,

“ lodger ” shall include every person the renter from any occupier not being the owner of a dwelling house or part of such dwelling house for the purposes of residence only, but shall not include an under-tenant of premises used for business purposes.

ATTORNMENT.

All grants and conveyances to be good without attornment of tenants.

3. Any grant or conveyance of rents or of the reversion or remainder of any land shall be good and effectual to all intents and purposes without any attornment of the tenant of the land out of which such rent shall be issuing, or of the

Landlord and Tenant Act.

particular tenant upon whose particular estate any such reversion or remainder shall and may be expectant or depending as if his attornment had been had and made.

4. No such tenant shall be prejudiced or damaged by payment of any rent to any grantor, or by breach of any condition for non-payment of rent, before notice shall be given to him of such grant by any grantee. Tenant not prejudiced before notice to him.

5. If any tenant shall make any attornment of any land to any stranger, the same shall be void, and the landlord's possession shall not be thereby affected. Attornment when void.

LICENSES AND WAIVER

6. Where any license to do any act which without such license would create a forfeiture or give a right to re-enter under a condition or power reserved in any lease heretofore granted, or to be hereafter granted, shall at any time be given to any lessee or his assigns, every such license shall, unless otherwise expressed, extend only to the permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, underlease, or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and virtue, and shall be available as against any subsequent breach of covenant or condition, assignment, underlease or other matter not specifically authorized or made dispensable by such license, in the same manner as if no such license had been given; and the condition or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done. Restriction on effect of license.

7. Where in any lease heretofore granted or to be hereafter granted there is or shall be a power or condition of re-entry on assigning or underletting or doing any other specified act without license, and a license at any time shall be given to one of several lessees or co-owners to assign or underlet his share or interest, or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners, to assign or underlet part only of the property, or to do any other such act as aforesaid in respect of Restricted operation of partial licenses.

Landlord and Tenant Act.

part only of such property, such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees or owner or owners of the other shares or interests in the property, or by the lessee or owner of the rest of the property (as the case may be) over or in respect of such shares or interests or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license.

Restriction of effect of waiver.

8. Where any actual waiver of the benefit of any covenant or condition in any lease on the part of any lessor, or his heirs executors administrators or assigns shall be proved to have taken place in any one particular instance, such actual waiver shall not be assumed or deemed to extend to any instance or any breach of covenant or condition other than that to which such waiver shall specially relate, nor to be a general waiver of the benefit of any such covenant or condition, unless an intention to that effect shall appear.

APPORTIONMENT.

Apportionment of conditions of re-entry in certain cases.

9. Where the reversion upon a lease is severed and the rent or other reservation is legally apportioned, the assignees of each part of the reversion shall in respect of the apportioned rent or other reservation allotted or belonging to him have and be entitled to the benefit of all the conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent or other reservation allotted or belonging to him.

Where a portion of rent may be recovered by executors, &c., of tenant for life, &c.

10. Where any rent shall be reserved and made payable on any demise or lease of lands tenements or hereditaments, which lease or demise hath determined, or shall determine on the death of the person making the same (although such person was not strictly tenant for life thereof), or on the death of the life or lives for which such person was entitled to such hereditaments, the executors or administrators of such person by whose death such demise or lease determined, and the person making any such demise or lease which shall determine on the death of the life or lives for which such person was entitled to such hereditaments, shall and may respectively, in an action on the case, recover of

Landlord and Tenant Act.

and from such under-tenant or under-tenants of such lands tenements or hereditaments a proportion of such rent, according to the time such person, by whose death such demise or lease determined, lived of the last year, or quarter of a year, or other time in which the said rent was growing due, making all just allowances or a proportionable part respectively.

11. Where any lands tenements or hereditaments shall be attached before the day on which any rent was reserved or made payable upon any demise or lease thereof, the lessor or landlord thereof from whom the same shall be attached shall and may, in an action on the case, recover of and from the tenant thereof a proportion of such rent, according to the time such lessor or landlord was seised thereof, of the last year or quarter of a year, or other time on which the said rent was growing as aforesaid, making just allowances.

Where landlord may recover a portion of rent if premises be attached.

12. All rents service reserved on any lease by a tenant in fee, or for any life interest, or by any lease granted under any power, (and which leases shall have been granted after the seventh day of April one thousand eight hundred and sixty eight), and all rents-charge and other rents, annuities, pensions, dividends, and all other payments of every description in this Island, made payable or coming due at fixed periods under any instrument that shall have been executed after the said date or (being a will or testamentary writing) that shall have come into operation after the said date, shall be apportioned so and in such manner that on the death of any person interested in any such rents, annuities, pensions, dividends, or other payments as aforesaid, or in the estate, fund, or office from or in respect of which the same shall be issuing or derived, or on the determination by any other means whatsoever of the interest of any such person, he and his executors, administrators, or assigns, shall be entitled to a proportion of such rents, annuities, pensions, dividends, and other payments, according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the death of such person, or of the determination of his interest, all just allowances and deductions in respect of charges on such rents, annuities, pensions, dividends, and other payments being made; and every such person, his executors, administrators, and assigns shall have such and the same remedies at law and in equity for recovering such apportioned parts of the said

Rents, annuities, pensions, dividends, &c., to be apportioned in such manner that, on the death of the person to whom such interest is due, his representatives shall be entitled to receive such rents, annuities, &c., to the date of such determination.

Provides remedies at law for

Landlord and Tenant Act.

recovering such apportioned parts.

rents, annuities, pensions, dividends, and other payments, when the entire portion, of which such apportioned parts shall form part, shall become due and payable and not before, as he or they would have had for recovering and obtaining such entire rents, annuities, pensions, dividends, and other payments, if entitled thereto, but so that persons liable to pay rents reserved by any lease or demise, and the lands, tenements, and other hereditaments comprised therein, shall not be resorted to for such apportioned parts specifically as aforesaid, but the entire rents of which such portions shall form a part shall be received and recovered by the person or persons who, if this Act had not passed, would have been entitled to such entire rents; and such portions shall be recoverable from such person or persons by the parties entitled to the same under this Act in any action or suit at law or in equity. Provided always that the provisions herein contained shall not apply to any case in which it shall be expressly stipulated that no apportionment shall take place, or to annual sums made payable in policies of assurance of any description.

Provision for cases when there is any express stipulation.

DISTRESS.

Things distrainable.

Cattle, &c., and all sorts of produce gathered, &c., may be distrained.

13. It shall and may be lawful to and for every lessor or landlord, or other person empowered by him, to take and seize, as a distress for arrears of rent, any cattle or stock of his tenant feeding or depasturing upon any field appendant or appurtenant, or in any ways belonging to all or any part of the premises demised or holden, and also to take and seize all sorts of corn, grass, roots, fruits, pulse, or other product whatsoever which shall be cut, gathered, made, cured, and laid up in the store-rooms, or other proper place on the premises so demised or holden, and to appraise, sell, or otherwise dispose of the same towards satisfaction of the rent for which such distress shall have been taken, and of the charges of such distress, appraisement, and sale, in the same manner as other goods and chattels may be seized, distrained, and disposed of.

Growing crops may be distrained.

14. It shall be lawful for any lessor or landlord, or any person authorized by him, to take and seize as a distress for arrears of rent all sorts of corn, grass, roots, canes, fruits, pulse or other product whatsoever which shall be growing on any part of any lands demised or holden; and the same, with the exception of canes, to cut, gather, make, cure, carry, and lay

Landlord and Tenant Act.

up when ripe in any proper place on the premises so demised or holden, and in case there shall be no proper place on the premises so demised or holden, then in any other proper place which such lessor or landlord shall hire or otherwise procure for that purpose and as near as may be to the premises. The lessor or landlord or person authorised by him shall give the auctioneer of the district in which such distress took place notice of the same, and the sale thereof shall be made in the same manner as in the case of other goods and chattels now seized and distrained are disposed of, the sale thereof, except in the case of canes, to be made when cut, gathered, cured and made, and not before. Provided always that in case of any distress on canes as aforesaid the same shall be sold before they shall be cut. The lessor or landlord shall be entitled to be repaid from the proceeds of the sale the necessary expenses incurred by him in cutting, gathering, making, curing, carrying, and laying up as aforesaid.

Provided always that if after any distress for arrears of rent so taken of any corn, grass, roots, canes, fruits, pulse, or other product which shall be growing as aforesaid and at any time before the same shall be ripe and cut, cured or gathered, the tenant or lessee his or her executors, administrators, or assigns shall pay or cause to be paid to the lessor or landlord, for whom such distress shall be taken, the whole rent which shall be then in arrear together with full costs and charges of making such distress and which shall have been occasioned thereby, then and upon such payment or lawful tender thereof actually made, whereby the end of such distress will be fully answered, the same and every part thereof shall cease; and the corn, grass, roots, canes, fruits, pulse or other product distrained shall be delivered up to the lessee or tenant his or her executors, administrators, or assigns.

Within what period.

15. It shall and may be lawful for any person or persons having any rent in arrear or due upon any lease for life, years, or at will, ended or determined, to distrain for such arrears after the determination thereof, in the same manner as they might have done if such lease had not been ended or determined: provided such distress be made within six calendar months after the determination of such lease and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrears became due; and provided further that where the value of the goods distrained shall not be found to be

Where rent may be distrained for after determination of lease, &c

Landlord and Tenant Act.

the value of the arrears distrained for, the party to whom such arrears were due, his executors or administrators, may from time to time distrain again for the residue of the said arrears.

Fraudulent removal of goods

Goods fraudulently removed may within thirty days be distrained and sold—

16. In case any tenant or lessee for life or lives, term of years, at will, sufferance or otherwise, of any messuages, lands, tenements or hereditaments upon the demise or holding whereof any rent is or shall be reserved, due, or made payable, shall fraudulently or clandestinely convey away or carry off from such premises his goods or chattels to prevent the landlord or lessor from distraining the same for arrears of rent so reserved, due, or made payable, it shall and may be lawful to and for every landlord or lessor, or any person by him lawfully empowered for that purpose, within the space of thirty days next ensuing such conveying away or carrying off such goods or chattels as aforesaid, to take and seize such goods and chattels, wherever the same shall be found, as a distress for the said arrears of rent, and the same to sell or otherwise dispose of in such manner as if the said goods and chattels had actually been distrained by such lessor or landlord in and upon such premises for such arrears of rent.

unless in the hands of a bona fide purchaser.

17. No landlord or lessor or other person entitled to such arrears of rent shall take or seize any such goods or chattels as a distress for the same, which shall be sold bona fide and for a valuable consideration, before such seizure made, to any person not privy to such fraud as aforesaid.

Tenants and persons assisting them in removing &c., goods fraudulently, forfeit double the value of the goods removed to the landlord.

18. And to deter tenants from such fraudulent conveying away their goods and chattels, and others from wilfully aiding or assisting therein, or concealing the same, if any such tenant or lessee shall fraudulently remove and convey away his goods or chattels as aforesaid, or if any person shall wilfully and knowingly aid or assist any such tenant or lessee in such fraudulent conveying away or carrying off of any part of his goods or chattels or in concealing the same, every person so offending shall forfeit and pay to the landlord or lessor, from whose estate such goods and chattels were fraudulently carried off as aforesaid, double the value of the goods by him carried off or concealed as aforesaid, to be recovered by action of debt.

Houses, &c., to which goods are
19. Where any goods or chattels fraudulently or clandestinely conveyed or carried away by any tenant or

Landlord and Tenant Act.

lessee, or his servant, or agent, or other person aiding or assisting therein, shall be put, placed, or kept in any house, stable, store-room, outhouse, yard, close, or place locked up, fastened, or otherwise secured, so as to prevent such goods or chattels from being taken and seized as a distress for arrears of rent, it shall and may be lawful for the landlord or lessor or other person empowered to take and seize as a distress for rent such goods and chattels (first calling to his assistance a constable of the parish or district where the same shall be suspected to be concealed, who is hereby required to aid and assist therein, and in case of a dwelling-house, oath being also first made before the Police Magistrate for the district of a reasonable ground to suspect that such goods or chattels are therein), in the day time to break open and enter into such house, stable, store-room, outhouse, yard, close, and place, and take and seize such goods and chattels for the said arrears of rent, as he might have done by virtue of this Act if such goods and chattels had been put in any open field or place.

fraudulently removed may be broken open with assistance of a constable.

Disputes arising on distress.

20. Where the lands, tenements, or hereditaments in respect of which any distress is made shall be rented, on what tenure soever, at a sum not exceeding fifty pounds in the year, it shall be lawful for the Police Magistrate of the district and he is hereby required, on application of the tenant within ten days next after such distress by summons under his hand to require the landlord or person in whose name such distress shall have been made to appear before him at a time therein specified and establish his claim to the amount distrained for, and if it shall appear to the said Police Magistrate, on examining into the matter with the evidence adduced by the parties on either side, that the said amount is not due and owing by the said tenant in terms of the agreement between him and his landlord, he shall direct the proceedings in such distress to be stayed, and the goods and chattels distrained on to be delivered up to the said tenant, free of all costs and charges, and at the expense of the said landlord or other person in whose name such distress shall have been made; and the said tenant shall not be barred thereby from such redress as in this Act or by any other law then in force is provided in the case of a wrongful distress.

For rent not exceeding £50 per annum redress by warrant for a wrongful distress may be had before a Police Magistrate.

21. Where the goods distrained shall be claimed by Where distrained goods are
any other person than the lessee or his under-tenants,

Landlord and Tenant Act.

claimed by a stranger, Police Magistrate to inquire into the right.

as the property of such person, and such person shall make satisfactory proof of such claim to the Police Magistrate of the district where such goods were distrained, such goods shall be restored to such person, he paying all expenses incurred by the distress and application to the Police Magistrate, who is hereby authorized to inquire into the ownership of such goods and to examine the tenant claimant and any witnesses he may think necessary for that purpose: provided that if it shall happen that any goods being on the premises shall be distrained and sold without being claimed, the purchaser thereof shall not be subject to any action or other proceeding by the owner for the recovery thereof, but shall have a good title to the same.

Proviso.

Proceedings to be stayed on application to Police Magistrate.

22. Whenever an application shall be made to a Police Magistrate under either of the two last preceding sections of this Act it shall be the duty of such Police Magistrate, and he is hereby required, forthwith on such application being made, to notify the Government Auctioneer of the parish or district of the same, and such Government Auctioneer is hereby required on receiving such notice to stay all proceedings on the distress until the application shall have been fully heard and disposed of by the Police Magistrate, or by the Assistant Court of Appeal, or Court of Error, in case there shall be an appeal against the order made by the Police Magistrate or Assistant Court of Appeal, and any Government Auctioneer selling any goods and chattels distrained on for rent after having received notice of such application as aforesaid shall, should the applicant succeed in his application, incur a penalty of double the value of the goods and chattels sold, to be recovered by the person aggrieved by such sale, for his own use and benefit, before the Police Magistrate of his district in a summary manner.

Penalty.

In replevin, what only necessary for landlord to set forth.

23. It shall and may be lawful for all defendants in replevin to avow or make conusance generally that the plaintiff in replevin or other tenant of the lands and tenements, whereon such distress was made, enjoyed the same under a grant or demise at such a certain rent during the time wherein the rent distrained for accrued, which rent was then and still remains due, or that the place where the distress was taken was parcel of such tenements for which the rent distrained for was at the time of such distress and still remains due, without further setting forth the grant, tenure, demise, or title of such landlord, lessor, or owner of the premises, any law or usage to the contrary notwithstanding; and if the

Landlord and Tenant Act.

plaintiff in such action shall become nonsuit, discontinue his action, or have judgment given him against him, the defendant in such replevin shall recover double costs of suit. Double costs.

24. The Provost Marshal shall, in every replevin of a distress for rent, take in his own name from the plaintiff and two responsible persons as sureties a bond in double the value of the goods distrained (such value to be ascertained by the oath of one or more credible witness or witnesses not interested in the goods or distress ; which oath the person granting such replevin is hereby authorized and required to administer), and conditioned for prosecuting the suit with effect and without delay, and for duly returning the goods and chattels distrained, in case a return shall be awarded before any deliverance be made of the distress, and the Provost Marshal shall, at the request and costs of the avowant or person making conusance, assign such bond to the avowant or person aforesaid by indorsing the same and attesting it under his hand and seal in the presence of two or more credible witnesses ; and if the bond so taken and assigned be forfeited, the avowant or person making conusance may bring an action and recover thereupon in his own name ; and the Court may by a rule give such relief to the parties upon such bond as may be agreeable to justice and reason, and such rule shall have the nature and effect of a defeasance to such bond. The Provost Marshal shall be entitled to demand and receive for the benefit of the general revenue the fee of ten shillings for taking the said bond. Provost Marshal how to proceed in replevin of a distress.

Lodger's goods.

25. If any superior landlord shall levy or authorize to be levied a distress on any furniture, goods or chattels of any lodger for arrears of rent due to such superior landlord by his immediate tenant, such lodger may serve such superior landlord or the bailiff or other person employed by him to levy such distress, with a declaration in writing made by such lodger, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture goods, or chattels so distrained or threatened to be distrained upon, and that such furniture, goods, or chattels are the property or in the lawful possession of such lodger ; and also setting forth whether any and what rent is due and for what period from such lodger to his immediate landlord ; and such lodger may pay to the superior landlord or to the bailiff or other person employed by him as aforesaid the rent if any so due as last aforesaid, or so much thereof as shall be suffi- Lodger if distress levied, to make declaration that immediate tenant has no property in goods distrained.

Landlord and Tenant Act.

cient to discharge the claim of such superior landlord. And to such declaration shall be annexed a correct inventory, subscribed by the lodger, of the furniture, goods, and chattels referred to in the declaration; and if any lodger shall make or subscribe such declaration and inventory, knowing the same or either of them to be untrue in any material particular, he shall be deemed guilty of a misdemeanour.

Penalty.

26. If any superior landlord or any bailiff or other person employed by him shall, after being served with the before-mentioned declaration and inventory, and after the lodger shall have paid or tendered to such superior landlord, bailiff, or other person, the rent, if any, which by the last preceding section such lodger is authorized to pay, levy, or proceed with a distress on the furniture, goods or chattels of the lodger, such superior landlord, bailiff or other person shall be deemed guilty of an illegal distress, and the lodger may apply to the Police Magistrate of his district for an order for the restoration to him of such goods; and such application shall be heard before such Police Magistrate, and such Police Magistrate shall enquire into the truth of such declaration and inventory and shall make such order for the recovery of the goods or otherwise as to him may seem just, and the superior landlord shall also be liable to an action at law at the suit of the lodger, in which action the truth of the declaration and inventory may likewise be inquired into.

Proviso as to payments by lodgers to superior landlord.

27. Any payment made by any lodger pursuant to section twenty five of this Act shall be deemed a valid payment on account of any rent due from him to his immediate landlord.

Irregularity after distress.

Distress not deemed unlawful for irregularity, but party aggrieved may recover special damage;

28. When any distress shall be made for any kind of rent justly due, and any irregularity or unlawful act shall be afterwards done by the party distraining, or by his agent, the distress itself shall not be deemed to be unlawful, nor the party making it be therefore deemed a trespasser ab initio; but the party aggrieved by such unlawful act or irregularity shall or may recover full satisfaction for the special damage he shall have sustained thereby, and no more, in an action of trespass, or on the case at the election of the plaintiff, and where the plaintiff shall recover in such action, he shall be paid his full costs of suit, and have all the like remedies for the same as in other cases of costs.

unless amends be tendered

29. Provided nevertheless that no tenant or lessee shall recover in any action for any such unlawful act or

Landlord and Tenant Act.

irregularity as aforesaid, if tender of amends hath been made before action by the party distraining or his agent before such action brought.

Sale.

30. When any goods or chattels shall be distrained for any rent reserved and due upon any demise, lease, or contract whatsoever, and the tenant or owner of the goods so distrained shall not, within ten days next after such distress taken and notice thereof (with the cause of such taking) left at the chief mansion house or other most notorious place on the premises charged with the rent distrained for, replevy the same with sufficient security to be given to the Provost Marshal, then and in such case after such distress and notice as aforesaid, and after the expiration of the said ten days, the goods and chattels so distrained may be sold as by law provided; provided always that no distress shall be taken for more than two years' rent in arrear, nor shall the goods of a stranger be liable to be sold under a distress, if the claim to the same be established in manner in this Act provided.

When distress for rent may be sold.
Proviso.

Actions for Damages.

31. Upon any rescous of any goods or chattels distrained for rent, the person aggrieved thereby shall, in a special action upon the case for the wrong thereby sustained, recover his treble damages and costs of suit against the offender in any such rescous, or against the owners of the goods distrained in case the same be afterwards found to have come to his use or possession.

For rescous of distrained goods treble damages and costs recoverable.

32. In case any such distress and sale as aforesaid shall be made by virtue or colour of this present Act for rent pretended to be in arrear and due, where in truth no rent is in arrear or due to the person distraining, or to him in whose name or right such distress shall be taken as aforesaid, the owner of such goods or chattels so distrained and sold as aforesaid, his executors or administrators, shall and may by action of trespass or upon the case to be brought against the person so distraining, his executors or administrators, recover double the value of the goods or chattels so distrained and sold, together with full costs of suit.

Double the value may be recovered against a party distraining and selling goods when no rent is due him.

33. In all actions of trespass or on the case to be brought against any person entitled to rents of any kind, or his agent or other person, relating to any entry by virtue of this Act

When landlord may plead general issue and

Landlord and Tenant Act.

give special matter in evidence.

or otherwise upon the premises chargeable with such rents, or to any distress or seizure, sale, or disposal of any goods or chattels thereupon, it shall and may be lawful for the defendant in such action to plead the general issue, and give the special matter in evidence, any law or usage to the contrary notwithstanding; and in case the plaintiff in such action shall become nonsuit, discontinue his action, or have judgment against him, the defendant shall recover costs of suit.

SUMMARY RECOVERY OF POSSESSION.

Deserted lands &c.

Where lands &c., are deserted, how landlord may proceed to obtain possession. &c.

34. If any tenant holding any lands, tenements, or hereditaments, at a rack rent, or where the rents reserved shall be three-fourths of the yearly value of the demised premises, shall be in arrear for any one year's rent, and shall desert the demised premises, and leave the same uncultivated or unoccupied, so as no sufficient distress can be had to countervail the arrears of rent, it shall and may be lawful to and for the Police Magistrate of the district where the premises are situated (having no interest in the premises), at the request of the lessor or landlord to go upon and view the same, and cause to be affixed on the most notorious part of the premises notice in writing what day (at the distance of fourteen days at least) he will return to take a second view thereof; and if upon such second view the tenant or some person on his behalf shall not appear and pay the rent in arrear, or there shall not be sufficient distress on the premises, then the said Police Magistrate may put the landlord or lessor into the possession of the said demised premises, and the lease thereof to such tenant as to any demise therein contained only shall from thenceforth become void.

Lands &c. held at will or for short period.

Mode of recovering possession of tenements held at will, or for a term of not more than seven years and at an annual rent not exceeding £50 after the tenancy has been duly determined.

35. When and as soon as the term or interest of the tenant of any house, land, premises, or any corporeal hereditaments held by him at will, or for any term not exceeding seven years, either without being liable to the payment of any rent, or at a rent not exceeding the rate of fifty pounds a year shall have ended or shall have been duly determined by a legal notice to quit, or otherwise, and such tenant or (if such tenant do not actually occupy the premises or only part thereof) any person by whom the same or any part thereof shall be then actually occupied shall neglect or refuse to quit and deliver up the possession of the premises,

Landlord and Tenant Act.

or such part thereof respectively, it shall be lawful for the landlord of the said premises, or his agent, to cause the person so neglecting or refusing to quit and deliver up possession to be served (in the manner hereinafter mentioned) with a written notice in the form or to the effect set forth for that purpose in the form numbered one in the schedule to this Act, signed by the landlord, or by his agent, of his intention to proceed to recover possession of the same under the authority and according to the mode prescribed in this Act, and if the tenant or occupier shall not thereupon appear at the time and place appointed by a summons to be issued by the Police Magistrate and show to the satisfaction of the Police Magistrate, as hereinafter mentioned, reasonable cause why possession should not be given under the provisions of this Act, and shall still neglect or refuse to deliver up possession of the premises, or such part thereof of which he is then in possession, to the said landlord or his agent, it shall be lawful for such landlord or his agent to give to such Police Magistrate proof of the holding and of the end or other determination of the tenancy, with the time or manner thereof, and, where the title of the landlord has accrued since the letting of the premises, the right by which he claims the possession, and upon proof of service of notice as aforesaid and of the neglect or refusal of the tenant or occupier, as the case may be, to deliver up possession, it shall be lawful for the Police Magistrate of the parish in which the land or premises, or any part of them, is situated, to issue a warrant under his hand directed to any one or more police constable or constables commanding them within a period to be therein named, not less than three nor more than ten clear days from the date of such warrant, to enter (by force if needful) into the premises and give possession of the same to such landlord or agent; provided always that entry upon any such warrant shall not be made on a Sunday, Good Friday, or Christmas Day, or any time except between the hours of eight in the morning and five in the afternoon; provided also that nothing herein contained shall be deemed to protect any person, on whose application, and to whom, any such warrant shall be granted, from any action which may be brought against him by any such tenant or occupier for or in respect of such entry and taking possession when such person had not at the time of granting the same lawful right to the possession of the same premises; provided also that nothing herein contained shall affect any rights to which any person may be entitled as outgoing tenant or otherwise.

Landlord and Tenant Act.

Manner of serving the notice of intention to proceed.

36. Such notice of application intended to be made under this Act may be served either personally or by leaving the same with some person being in, and apparently residing at, the place of abode of the person so holding over as aforesaid, and the person serving the same (where notice is required to be in writing) shall read over the same to the person served, or with whom the same shall be left as aforesaid, and state the purport and intent thereof or leave a copy of the same with such person; provided that if the person so holding over cannot be found, or the place of abode of such person shall either not be known or admission there-to cannot be obtained for serving such summons, the posting up of the said summons on some conspicuous part of the premises so held over shall be deemed to be good service upon such person.

Proceedings in cases of parties claiming possession who have no title.

37. In every case in which the person to whom any such warrant shall be granted had not at the time of granting the same lawful right to the possession of the premises, the obtaining and service of any such warrant as aforesaid shall be deemed a trespass by him against the tenant or occupier of the premises; and in case any such tenant or occupier will become bound with two sureties as hereinafter provided, to be approved of by the said Police Magistrate in such sum as to him shall seem reasonable, regard being had to the value of the premises and to the probable cost of an action, to sue the person to whom such warrant was granted with effect and without delay, and to pay all the costs of the proceedings in such action in case judgment shall pass for the defendant or the plaintiff shall discontinue or not prosecute his action, or become nonsuit therein, execution of the warrant shall be delayed until judgment shall have been given in such action of trespass; and if upon the trial of such action of trespass judgment shall pass for the plaintiff, such judgment shall supersede the warrant so granted.

Bond to be given by the party disputing the title to pay costs in the event of judgment going against him.

38. Every such bond as hereinbefore mentioned shall be made to the said landlord or his agent, shall be approved of and signed by the said Police Magistrate, and shall be in the form numbered four in the schedule to this Act annexed; and if the bond so taken be forfeited, or if upon the trial of the action, for securing the trial of which such bond was given, the Judge by whom it shall be tried shall not endorse upon the record upon application to be made to him in court in that behalf that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action and recover thereon; provided always that the court where such action as last aforesaid shall be brought

Landlord and Tenant Act.

may, by a rule of court, give such relief to the parties upon such bond as may be agreeable to justice, and such rule shall have the nature and effect of a defeasance to such bond.

39. It shall not be lawful to bring any action or prosecution against the said Police Magistrate by whom such warrant as aforesaid shall have been issued, or against any police constable by whom such warrant may be executed, for issuing such warrant or executing the same respectively, by reason that the person on whose application the same shall be granted had not lawful right to the possession of the premises.

Protection to Magistrate and officer issuing and serving process.

40. Where the landlord or his agent at the time of applying for such warrant as aforesaid had lawful right to the possession of the premises or of the part thereof so held over as aforesaid, neither the said landlord nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser by reason merely of an irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may, if he think fit, bring an action on the case for such irregularity or informality in which the damage alleged to be sustained thereby shall be specially laid, and may recover full satisfaction for such special damage with costs of suit; provided that if special damage as laid be not proved, the defendant shall be entitled to a judgment and that, if proved but assessed at any sum not exceeding forty shillings, the plaintiff shall recover no more costs than damages, unless the Judge before whom the trial shall have been held shall certify upon the back of the record that in his opinion full costs ought to be allowed.

Parties having a title not to be deemed trespassers by reason of any informality in the proceedings.

How redress may be had by parties aggrieved by such informality.

41. Where the Police Magistrate of any district shall be a party to any proceedings to be taken under this Act, it shall be lawful for the Police Magistrate of either of the adjoining districts to have and exercise jurisdiction in all such proceedings in as full and ample a manner to all intents and purposes as the same could have been had and exercised by the Police Magistrate of the district if he were not a party thereto.

Provision in case of the Magistrate of a parish being a party to any proceedings under this Act.

Lands &c. held as incident to service.

42. In all cases in which the relation of master or employer and servant and labourer exists between the owner or his agent and the occupier of any land, house, or premises

Provision for the cases of tenement held by

Landlord and Tenant Act.

the servant of the master where no term has been fixed or no rent receivable, or where the occupancy may be incidental to service.

in which no fixed term for the duration of such occupancy has been agreed on between the said parties, and where either no rent has been reserved, or the same has been received or customarily paid in labour or otherwise at shorter periods than three months, it shall only be lawful for either party to terminate the occupancy of such house, land, or premises by giving one month's notice, either verbal or in writing, to the other party of his intention to put an end to the same. And in every case in which the occupier of any house, land, or premises so held after having received one month's notice to terminate such occupancy, shall refuse to deliver possession of such premises to the owner or his agent, the person so refusing shall be considered to hold over the same unlawfully, and shall be liable to be forthwith proceeded against for the recovery of possession thereof under the authority and in the manner pointed out by this Act.

Ejection when servants may be ejected by Police Magistrate from occupation of houses, &c.

Owners not to eject of their own authority under a penalty.

Proviso as to growing crops planted by servants.

Proviso as to domestic servants.

43. It shall not be lawful either for the master or landlord or for the servant or tenant to terminate the tenancy or occupancy of any land, house, or tenement which is held or occupied as incident to service otherwise than by giving to the other party one month's previous notice, either verbal or in writing, of his intention to terminate the same; and it shall not be lawful for any owner of a house, room, or land, on the termination of the tenancy by himself or his agents, to remove or eject any servant from any house, room, or land which he holds as an incident to service under a penalty not exceeding the sum of five pounds, to be recovered before any Police Magistrate in a summary manner and paid into the Public Treasury of this Island for the uses of the public, it being the true intent and meaning of this Act that all ejections shall take place under the order and by the direction of a Police Magistrate in the manner referred to in the preceding section; provided always that if there shall be any growing crop on the land, which such servant shall have been permitted to occupy as incident to such service, such master, mistress, or employer shall, on the termination of the tenancy, either permit such servant to reap the same, or shall pay the value thereof to such servant, such value to be ascertained, in case of disagreement, by appraisement under the direction of the Police Magistrate of the district, or the value of any such crop may be taken into consideration towards the discharge of any sum of money which such servant may be awarded to pay to such master, mistress, or employer, by such Police Magistrate: provided also that nothing in this section contained shall be construed

Landlord and Tenant Act.

to apply to any domestic servant who shall have been suffered to occupy any room in the dwelling-house or yard of his or her master, mistress or employer.

44. For the better taking of appraisements under this Act, in all cases where any difference shall arise between the landlord or his agent and tenant as to the value of any crop that may be growing on any land so held or occupied as aforesaid, it shall be lawful for either party to apply to the Police Magistrate of the district for an appraisement of the same, and the said Police Magistrate shall thereupon issue a writ of appraisement to any three fit and proper persons fixing the day, hour, and place where the said persons shall meet for the appraisement of the said crop in question; and the three persons so summoned shall there meet, and having duly appraised the value of the said crop shall make a return thereof under their hand to the Police Magistrate, who shall with this evidence before him proceed to make his award. And if any person lawfully summoned to such appraisement shall refuse to attend, or having attended shall neglect to make such return of appraisement as aforesaid, he shall forfeit and pay to Her Majesty, her heirs and successors, a sum not exceeding ten shillings, unless some satisfactory reason be assigned for the omission; such fine to be recovered before the said Police Magistrate in a summary manner and paid into the Public Treasury for the uses of the Island: provided always that in all cases the party applying for such appraisement shall be liable to pay the costs thereof.

For appraising the crops of any lands so held.

45. In every case in which the tenancy or occupancy of any land or tenement held or occupied as an incident to service is terminated by notice, the tenant or occupier shall in addition to the then value of the crops (if any) growing on such land or tenement be entitled to receive from the master or landlord compensation for all breadfruit, plantain, and banana trees established by the tenant or occupier on such land, and for all tillage, manuring, and other farming works done by him and of which the benefit is unexhausted at the time of the termination of his tenancy.

Compensation for fruit trees, and unexhausted farming works.

46. The amount of compensation to be paid to any tenant or occupier under the provisions of the last preceding section of this Act shall, in case the parties cannot agree as to the same, be determined by appraisement in like manner as the value of any crop growing on the land held or occupied by him is determined; and such provisions of this

Amount of compensation how determined

Landlord and Tenant Act.

Act as relate to the appraisement of the value of growing crops shall extend and be applicable to appraisements required for determining the amount of such compensation; provided that in case either party to any such appraisement shall be dissatisfied with the result thereof, the party so dissatisfied may demand a fresh appraisement, which shall in all cases be final.

Proviso, either party may have fresh appraisement.

Act not to work an incidental tenancy where not previously so.

47. Nothing in the five last preceding sections of this Act contained shall be deemed to render any tenancy or occupancy a tenancy or occupancy incidental to service, if prior to the passing of this Act such tenancy or occupancy would not have been a tenancy or occupancy incidental to service.

Fees to be taken by Magistrates and constables under the Act.

48. It shall be lawful for the Police Magistrates and constables to demand and receive the following fees, that is to say—

Magistrate's Fees.

For executing summons	...	...	one shilling.
Hearing	...	...	one shilling.
Writ of appraisement	...	...	one shilling.
Writ of ejection	...	...	one shilling.

Constables' Fees.

For executing a summons	...	...	one shilling.
For each witness if within the parish	...	...	one shilling.
If out of the parish	...	...	two shillings.
For executing a writ of appraisement	...	...	two shillings.
For executing a writ of ejection	...	...	two shillings.

And in default of payment of such fees they shall be levied and raised as in the case of fees on summary proceedings; providing always that the fees of the Police Magistrate shall, as in other causes, be paid into the Public Treasury for the use of the Island.

APPRAISEMENT OF VALUE OF CROPS ETC. GROWING ON
LANDS NOT INCIDENT TO SERVICE, ETC.

Value of crops and compensation for fruit trees and unexhausted farming

49. In every case in which the tenancy of any land, held otherwise than under a lease or any agreement in writing or as incident to service, is determined by the landlord, the tenant may elect to receive from the landlord

Landlord and Tenant Act.

the value of the crops, if any, growing on such land, and works. shall also be entitled to receive from the landlord compensation for all breadfruit, plantain, and banana trees established by him on such land, and for all tillage, manuring, and other farming works done by him, if the benefit is unexhausted at the time of the termination of the tenancy.

50. (1) The value of the growing crops, and of the compensation aforesaid, shall be assessed and determined in the manner and subject to the conditions mentioned in this Act relating to the appraisalment of crops on lands held as incident to service, and to the compensation to be paid for fruit trees, and unexhausted farming works. How value and compensation are to be assessed and recovered.

(2) The amount assessed as the value of any growing crops, or as compensation for fruit trees and unexhausted farming works, may be recovered by the tenant by an action of debt in the court having jurisdiction to determine the same.

MISCELLANEOUS.

51. Every tenant to whom any declaration or other process in ejectment shall be delivered for any lands, tenements, or hereditaments shall forthwith give notice thereof to his landlord or his constituted attorney or attorneys, or receiver of the rent, under penalty of forfeiting the value of three years' improved rack rent of the premises so demised or holden in possession of such tenant to the person of whom he holds, to be recovered by action of debt with costs of suit. Tenant to whom declaration &c. in ejectment delivered to give notice forthwith to his landlord, &c., under penalty of three years' rent.

52. It shall be lawful for the court when such ejectment shall be brought to suffer the landlord to make himself a defendant by joining with the tenant to whom such declaration in ejectment shall be delivered, in case he shall appear: but in case such tenant shall refuse or neglect to appear, judgment shall be signed against the said tenant for want of such appearance, but if the landlord of any part of the lands, tenements, or hereditaments for which such ejectment was brought, shall desire to appear by himself, the court where such ejectment shall be brought shall permit such landlord so to do, upon such terms as to the court shall seem just, and enter a stay of execution upon such judgment against the tenant until it shall make a further order therein. Landlord may be made defendant with tenant in ejectment, or if tenant refuse to appear and judgment be signed, landlord may still appear and defend.

Landlord and Tenant Act.

When agreement is not by deed, landlord may recover reasonable satisfaction for lands occupied.

53. It shall and may be lawful for the landlord, where any agreement is not by deed, to recover a reasonable satisfaction for the lands, tenements, or hereditaments held or occupied by the defendant in an action on the case for the use and occupation of what was so held or enjoyed, and if in evidence on the trial of such action any parol demise or any agreement (not being by deed) whereon a certain rent was reserved shall appear, the plaintiff in such action shall not be nonsuited, but may make use thereof in evidence of the quantum of damages to be recovered.

Goods not to be taken in execution without the rent due, not exceeding one year, being paid to the landlord.

54. No goods or chattels whatsoever lying or being in or upon any messuage, lands, or tenements which are or shall be leased for life or lives, term of years, at will, or otherwise, shall be liable to be taken by virtue of any execution, unless the party at whose suit the said execution is sued out shall, before the removal of such goods from off the said premises by virtue of such execution, pay to the landlord or lessor of the said premises or his agent all such sums of money as are or shall be due for rent for the said premises at the time of the taking such goods or chattels by virtue of such execution; provided the said arrears of rent do not amount to more than one year's rent, and in case the said arrears shall exceed one year's rent, then the said party at whose suit such execution is sued out, paying the landlord or his agent one year's rent, may proceed to execute his judgment as he might have done before the passing of this Act; and the Provost Marshal is hereby empowered and required to levy and pay to the plaintiff as well the money so paid for rent as the execution money.

Protection section.

55. If any action or suit shall be commenced against any person for anything done in pursuance of this Act, the defendant in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to have been done, judgment shall be entered for the defendant, and if the plaintiff shall be nonsuited, or discontinue his action, or if judgment shall be given against the plaintiff, the defendant shall recover treble costs, and have the like remedy for the same as the defendant hath in other cases by law.

Landlord and Tenant Act.

SCHEDULE

FORM No. 1.

Notice of owner's intention to apply to a Police Magistrate to recover possession.

I owner or agent to the owner (as the case may be) do hereby give you notice that unless peaceable possession of the tenement (shortly describing it) situate which was held of me or of the said (as the case may be) under a tenancy from year to year (as the case may be) which expired (or was determined by notice to quit from the said or otherwise (as the case may be) on the day of and which tenement is now held over and detained from the said be given to (the owner or agent) on or before the expiration of clear days from the service of this notice, I shall lodge my complaint before the Police Magistrate of the parish of to obtain his warrant directing any one or more police constables to enter and take possession of the said tenement and to eject any person therefrom.

Dated this day of
(signed)

To Mr. *Owner or agent.*

FORM No. 2.

Complaint before a Police Magistrate.

The complaint of (owner or agent as the case may be) made before me Police Magistrate of the parish of who saith that the said did let to a tenement consisting of for under the rent of and that the said tenancy expired (or was determined by notice to quit given by the said (owner or agent as the case may be) on the day of , and on the day of the said did serve on (the tenant holding over) a notice of his intention to apply to recover possession of the said tenement (a duplicate of which notice is hereto annexed) by giving and (describing the mode by which the service was effected), and that notwithstanding the said notice the

Landlord and Tenant Act.

said refused (or neglected) to deliver up possession of
the said tenement and still retains the same.

(Signed)

Taken the day of before me,

(Signed)

A duplicate of the notice of intention to apply is to be annexed to this complaint.

FORM NO. 3.

Warrant to Police Constables to take and give possession.

Whereas (set forth the complaint) I Police
Magistrate for the parish of do authorize and com-
mand you, or each of you, on any day within days
from the date hereof (except on Sunday, Christmas Day, and
Good Friday to be added if necessary), between the hours of
eight in the forenoon and five in the afternoon to enter (by
force if needful), and with or without the aid of the
(owner or agent as the case may be), or any other person or
persons whom you may think requisite to call to your assis-
tance, into and upon the said tenement and to eject there-
out any person, and of the said tenement full and peaceable
possession to deliver to the said (the owner or agent as the
case may be).

Given under my hand this day of
To and all other Police constables.

FORM NO. 4.

Bond by tenant and sureties to landlord.

Know all men by these presents, that we A.B. of
C.D. of and E.F. of are jointly and severally held
and firmly bound to (the landlord) in the sum of of
lawful money of this Island to be paid to the said (the land-
lord) or his certain attorney, executors, administrators, or
assigns, for which payment to be well and truly made we

Landlord and Tenant Act.

bind ourselves and each and every of us in the whole sum, and each and every of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated this day of

Whereas the above-named (the landlord) hath taken out a warrant against the above-named (the tenant) before esquire, Police Magistrate for the parish of , to recover possession of (state the premises) under an Act of this Island entitled, the Landlord and Tenant Act, 1897. And whereas execution of the said warrant hath been delayed at the instance of the said (the tenant.)

Now the condition of this obligation is such that if the above-bounden (the tenant) do sue the above-named (the landlord) with effect and without delay in an action of trespass and pay all the costs of the proceedings in such action in case judgment shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action or become nonsuit therein, then this obligation shall be void and of none effect, or else to be and remain in full force and virtue.

Sealed and delivered &c.

An Act for the Suppression and Punishment of Vagrancy.

[30 August, 1897.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Vagrancy Act 1897. Short title.

2. (1) Every person who shall apply for relief to the Board of Guardians or the Inspector of Poor of any parish, and shall at the time of such application be the owner of any money or property of which, on enquiry by the Guardians or the Inspector of Poor, he shall not make correct and complete disclosure ;

Who shall be deemed idle and disorderly persons.

(2) every person being able either by labour or by other lawful means to maintain himself or herself, or his wife, or his or her children or child, who shall wilfully refuse or neglect so to do, and thereby become burthensome,

Vagrancy Act.

or render his wife or his or her children or child burthen-
some upon any parochial or other public funds set apart
for the relief of the poor ;

(3) every common prostitute wandering in the
public streets or highways, or in any place of public resort,
and behaving in a riotous and indecent manner ;

(4) every person who in any street, highway, or
public place shall accost a passenger and offer to take him
to the house or residence of a prostitute ;

(5) every common prostitute or nightwalker loit-
ering in any street or highway and importuning passengers
for the purpose of prostitution ;

(6) every person wandering abroad, or placing
himself in any public place, street, wharf, highway,
court or passage, to beg or gather alms, or causing or
procuring or encouraging any child or children so to do ; and

(7) every person who in any street, highway, or
public place shall, without lawful authority or excuse (the
proof whereof shall lie on the party accused), accost a pas-
senger or follow him about ;

shall be deemed an idle and disorderly person within
the true intent and meaning of this Act, and shall be liable
on conviction before a Police Magistrate to a penalty not ex-
ceeding one pound, or to imprisonment not exceeding
fourteen days with hard labour.

Who shall be
deemed rogues
and vagabonds.

3. (1) Any person committing any of the offences here-
inbefore mentioned, after being convicted as an idle and dis-
orderly person ;

(2) every person pretending or professing to tell
fortunes, or using or pretending to use any subtle craft or
device, by palmistry, obeah, or any such like superstitious
means, to deceive and impose on any of Her Majesty's
subjects ;

(3) every person wilfully exposing or causing to be
exposed to view in any street, road, highway, or public
place, or in the window or other part of any shop or
other building situate in any street, road, highway, or public
place, any obscene print, picture, or other indecent exhibition

(4) every person wilfully, openly, lewdly, and ob-
scenely exposing his person in any street, public road,
or highway, or in the view thereof, or in any place of public
resort ;

Vagrancy Act.

(5) every person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain or gather alms ;

(6) every person endeavouring to procure charitable contributions under any false or fraudulent pretence ;

(7) any person playing or betting by way of wagering or gaming in any street, road, highway or other open and public place, or in any open place to which the public have or are permitted to have access, at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of such wagering or gaming at any game or pretended game of chance ;

(8) every person having in his custody or possession any picklock, key, crow, jack, bit, or other implement with intent feloniously to break into any dwelling-house, warehouse, store, shop, coachhouse, stable, or out-building ;

(9) every person being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him any instrument with intent to commit any felonious act ; and

(10) every person apprehended as an idle and disorderly person, and violently resisting any constable or other peace officer so apprehending him ;

shall be deemed a rogue and vagabond within the true intent and meaning of this Act, and shall be liable on conviction before a Police Magistrate to a penalty not exceeding two pounds, or to be imprisoned with hard labour for any term not exceeding one month ; and every such picklock, key, crow, jack, bit, and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such offensive weapon as aforesaid, shall by the conviction of the offender become forfeited to Her Majesty for the uses of the colony.

4. (1) Every person breaking or escaping out of any place of legal confinement before the expiration of the term for which he shall have been committed or ordered to be confined by virtue of this Act ; Incorrigible rogues, who to be deemed.

(2) every person committing any offence against this Act which shall subject him to be dealt with as a rogue and vagabond, such person having been at some former time adjudged-so to be, and duly convicted thereof ; and

(3) every person apprehended as a rogue and vaga-

Vagrancy Act.

bond, and violently resisting any constable or other peace office so apprehending him ;

shall be deemed an incorrigible rogue within the true intent and meaning of this Act ; and it shall be lawful for any Police Magistrate to commit such offender to prison to be kept to hard labour for any time not exceeding six months.

Police or parish constables to apprehend offenders against this Act, &c.

5. It shall be lawful for any police or parish constable whatsoever to apprehend any person who shall be found offending against this Act, and forthwith to take and convey him before some Police Magistrate to be dealt with in such manner as hereinbefore directed.

When Police Magistrates &c., may issue warrants against offenders under this Act.

6. It shall be lawful for any Police Magistrate, upon oath being made before him, that any person has committed or is suspected to have committed any offence against this Act, to issue his warrant to apprehend and bring before him or some other Police Magistrate the person so charged, to be dealt with as is directed by this Act.

Constables neglecting their duty under this Act, and persons hindering them in the execution of it, how to be fined.

7. In case any constable, or other peace officer, shall neglect his duty in anything required of him by this Act, or in case any person shall disturb or hinder any constable or other peace officer in the execution of this Act, or shall be aiding, abetting, or assisting therein, and shall be thereof convicted before any Police Magistrate, every such offender shall for every such offence forfeit any sum not exceeding twenty pounds to be recovered in a summary manner.

Search warrants may be granted for apprehending idle and disorderly persons &c.

8. It shall be lawful for any Police Magistrate, upon information on oath before him made that any person hereinbefore described to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is reasonably suspected to be harboured or concealed in any house or place, by warrant under his hand to authorise any constable or other person or persons to enter at any time into such house or place, and to apprehend and bring before him or any other Police Magistrate every such idle and disorderly person, rogue and vagabond, and incorrigible rogue, as shall be then and there found, to be dealt with in the manner hereinbefore directed.

Protection of persons acting in execution of this Act.

9. All actions or prosecutions to be commenced against any person or persons for anything done in pursuance of this Act shall be commenced within three months after the fact committed and not otherwise, and notice in writing

Vagrancy Act.

of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action is brought, or if a sufficient sum of money shall have been paid into court after such action brought by or in behalf of the defendant; and if judgment shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action, the defendant shall recover treble costs, and have the like remedy for the same as any defendant has in law in other cases; and though judgment be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the court before which the trial shall be shall certify its approbation of the action.

10. (1) The provisions of this Act shall not apply to the operations and transactions of the Pari-Mutuel conducted under the authority and control of the Barbados Turf Club at any race meeting which may be held in this Island by the said Turf Club, nor to any person or persons employed or authorised by the Barbados Turf Club to conduct or assist in conducting the operations and transactions of the Pari-Mutuel conducted as aforesaid. Exemption of Pari-Mutuel from Act.

(2.) This section shall continue in force until the thirty-first day of March, one thousand nine hundred and twelve. Operation of section.

An Act to provide for the Punishment in certain cases of persons wilfully and Falsely making a Statutory Oath, Declaration or Affirmation.

[10 November 1897.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the False Oaths (Punishment) Act 1897. Short title.

2. If any person, who shall be required by any statute to make an oath, declaration, or affirmation shall wilfully and falsely make such oath, declaration, or affirmation, such person shall, if the statute under which the oath, declaration, or affirmation is made does not provide a penalty for Penalty for making false oath, declaration, or affirmation.

False Oaths Act.

wilfully and falsely making such oath, declaration, or affirmation, and if the person making such oath, affirmation, or declaration is not liable to be prosecuted for perjury, be liable to a penalty not exceeding fifty pounds to be recovered in a summary manner before a Police Magistrate. *

An Act to enable Life Assurance Companies to pay Money into Court in certain cases.

[10 November 1897.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Life Assurance Companies (Payment into Court) Act, 1897.

Interpretation.

2. In this Act —

The expression “life assurance company” means any corporation, company, or society, local or foreign, carrying on the business of life assurance in this Island not being a society registered under any present or future Acts relating to friendly societies ;

The expression “life policy” includes any policy not foreign to the business of life assurance.

Power to pay money into Court.

3. Subject to the rules of Court, any life assurance company may pay into the Court of Chancery, where the amount shall exceed the sum of five hundred pounds, or into the Assistant Court of Appeal (original jurisdiction) where the amount shall not exceed that sum, any moneys payable by them under a life policy in respect of which in the opinion of their board of directors or their local agent or attorney no sufficient discharge can otherwise be obtained.

Whose receipt a sufficient discharge.

4. The receipt or certificate of the Master-in-Chancery or the clerk of the Assistant Court of Appeal shall be a sufficient discharge to the company for the moneys so paid into the Court, and such moneys shall, subject to the rules of Court, be dealt with according to the orders of the Court of Chancery or the Assistant Court of Appeal as the case may be.

Life Assurance Companies (Payment into Court) Act.

5. The Vice Chancellor and the Judges of the Assistant Court of Appeal shall respectively have the power of making, amending, and varying rules for the working of this Act in their respective Courts in as full and ample a manner as they have for making, amending, and varying rules for the ordinary jurisdictions of their respective Courts. Rules.

6. This Act shall apply to all policies now remaining unpaid. Application of Act.

1897-6.

An Act to consolidate and amend the Acts relating to the Settlement of the Poor and Prevention of Bastardy.

[25 November 1897.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Settlement of the Poor and Bastardy Act, 1897. Short title.

Settlement of poor.

2. It shall be lawful for every Churchwarden, Poor Law Guardian, inspector of poor, police constable, and Justice of every parish to apprehend all vagrants and beggars and to take them to any Police Magistrate of the parish in which they are found, and the said Police Magistrate shall, if such person is a pauper, proceed to ascertain and fix the settlement of the said person (if he or she shall have no certificate of settlement) as hereinafter laid down, and when ascertained shall dispose of the said pauper in his parish, or shall remove him by warrant directed to some constable, or in case of necessity to any person, who shall deliver him to the Churchwarden of the parish to which the said pauper shall be adjudged to belong, to be by him lodged in any almshouse or workhouse which may be established or hereafter be erected in the parish to which the said pauper shall belong, to be subject to such rules and discipline, and moderate labour, as shall be established by the Guardians of such house, and approved by the Governor-in-Executive Committee. Churchwardens, police constables &c. to apprehend vagrants and beggars and to deal with them as herein provided.

Settlement of the Poor and Bastardy Act.

Settlement of
poor by whom to
be determined.

3. Whenever any question shall arise as to the settlement of any pauper in this Island, the Churchwarden, Guardian of the Poor, or inspector of the poor of any parish where any such pauper shall be found, shall bring such question before the Police Magistrate of the parish where such pauper shall be in a summary manner; and such Police Magistrate shall proceed to take evidence and try and determine the question in a summary manner; and on deciding such question, the Police Magistrate shall send a certified copy of the proceedings to the Churchwarden of the parish wherein the settlement is fixed within seven days, and, if no appeal is made within twenty one days, shall cause such pauper to be removed to his proper parish by warrant under the hand of the Police Magistrate directed to any parish constable who shall deliver such pauper to the almshouse of the proper parish; and the said Churchwarden shall countersign the said certificate, and dispose of the said pauper as authorised by law; provided always that the said Police Magistrate shall be guided in his decision by the following rules of settlement; namely,

Removal of
paupers to their
proper parishes.

Rules to be ob-
served by Police
Magistrate in
determining
settlement.

(i.) The place of birth; provided always that in case a woman having a settlement in one parish shall be brought to bed in another, then the child so born shall follow the settlement of the mother, and the woman shall follow the settlement of her husband.

(ii.) The parish in which such person shall have been employed in any capacity whatsoever and have resided continuously for three years next before the commencement of the proceedings to determine the question of his settlement.

(iii.) The parish where such person shall have been an owner of land; or being a renter of land shall have resided continuously for three years next before the commencement of the proceedings to determine the question of his settlement.

Appeal.

Churchwardens,
or Guardians of
the Poor, paupers,
or any person
aggrieved by any
decision of
Magistrate may
appeal.

4. It shall be lawful for the Churchwarden or Guardians of the Poor of the parishes respectively from or to which any pauper shall be transferred, or in which any pauper shall be declared entitled to a settlement, and the pauper himself or any other person whomsoever who shall think himself aggrieved by any decision, sentence, or judgment of any Police Magistrate given under the authority of section three of this Act to appeal therefrom to the Assistant Court of Appeal in the same manner as is usual in other cases; and any person who shall desire to appeal to the said Assistant

Settlement of the Poor and Bastardy Act.

Court of Appeal shall make known such his intention to the Police Magistrate by whose decision he considers himself aggrieved within twenty one days after the pronouncing of the same, and shall also within the same time give to the Churchwarden, or Guardian of the Poor of the parish in which such pauper shall be declared entitled to a settlement and to the Churchwarden or Guardian of the Poor, who may prefer any complaint either relating to the government and ordering of the poor or the prevention of bastardy, or other the person making any such complaint, notice of such appeal, and the Police Magistrate from whose decision the appeal is made shall under a penalty of five pounds in case of default, within six days after receiving such notice, (unless the appellant shall in the meantime declare to the Police Magistrate his intention to abandon the said appeal), send in to the clerk of the Assistant Court of Appeal a correct copy of the proceedings in the case appealed from, certified under his hand for the information of the Assistant Court of Appeal, and any such penalty as aforesaid shall be recovered in a summary manner and paid into the Public Treasury for the uses of the Island; and upon such proceedings as aforesaid being lodged with the said Assistant Court of Appeal, the same proceedings shall be had and taken in respect of such appeal as is usual in appeals to the said Assistant Court of Appeal from the decision of the Police Magistrates.

Maintenance of relations.

5. The fathers and grandfathers, mothers and grandmothers, and the children of any poor, old, lame, blind, impotent person, or other poor person not able to work, being of sufficient ability to maintain the same, shall relieve and maintain at their own charge and expense, such poor person in such manner, and according to that rate, as by the Police Magistrate of the parish where such sufficient person shall dwell, shall be assessed, upon pain that every one of them shall forfeit a sum not exceeding twenty shillings for every month which they shall fail therein.

Fathers, grandfathers, mothers, and grandmothers if able compelled to relieve and maintain &c.

6. Every man who shall marry a woman, having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, and shall be chargeable with all relief, or the cost price thereof, granted to or on account of such child or children, until such child or children shall respectively attain the age

Husband to maintain wife's children if any by a former marriage, &c., till the age of sixteen or the mother's death.

Settlement of the Poor and Bastardy Act.

of sixteen, or until the death of the mother of such child or children ; and such child or children shall for the purposes of this Act be deemed a part of such husband's family accordingly.

Desertion of wife or child.

Persons deserting their wives or children to be imprisoned.

7. If any person shall desert and leave his wife, or any child whom such person is bound by law to maintain, so that such wife or child shall become destitute, it shall be lawful for the Police Magistrate of the parish in which such wife or child may be residing, on complaint by the Churchwarden of the parish, to issue his warrant to apprehend and bring before him such person so charged, and on proof being made of such charge to commit such person to prison, there to be kept to hard labour for any time not exceeding two months; provided always that no person who has been proceeded against and punished under this section shall be considered as absolved in future from liability to maintain such wife or child, or from being again punished under this section for a similar desertion of such wife or child.

Constable's fees.

Constables to be paid their fees by the Churchwarden for duties done under this Act.

8. All constables or persons shall, for removal of paupers or other duties performed under this Act, be entitled to receive from the Churchwarden of the parish complaining the same fees as for executing warrants of the same distance, and the said Churchwarden shall be allowed the same on the settlement of his account with the Vestry.

Settlement and maintenance by mother of a bastard child.

Bastards, and provisions respecting.

9. Every child which shall be born a bastard shall have and follow the settlement of the mother of such child until such child shall attain the age of sixteen years, or shall acquire a settlement in its own right ; and such mother, so long as she shall be unmarried, or a widow, shall be bound to maintain such child as a part of her family, until such child shall attain the age of sixteen years, and all relief granted to such child, while under that age, shall be considered as granted to such mother ; provided always that such liability of such mother shall cease on the marriage of such child, if a female.

Orders and penalties.

Orders for payment of money &c. to be enforced summarily.

10. Orders made for payment of money and penalties incurred under the preceding sections shall be enforced, levied, and raised in a summary manner.

*Settlement of the Poor and Bastardy Act.**Maintenance of bastard children.*

11. Any single woman who either before the passing of this Act shall have been or shall be delivered of a bastard child and shall be unable to provide wholly or in part for its maintenance may make application to the Police Magistrate of the parish in which she may reside for a summons against the alleged father of the child, and such Magistrate shall thereupon issue his summons to the person alleged to be the father of such child to appear before him on a day to be named in the summons.

Putative father to be summoned by Police Magistrate on application of bastard's mother.

12. On the appearance of the person so summoned, or on proof that the summons was duly served or left at his last known place of abode within a reasonable time before the hearing, the Magistrate shall hear the evidence of the mother of such child, and such other evidence as may be adduced on behalf of the complainant, and also the evidence adduced by or on behalf of the alleged father of the child, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the Magistrate, he may adjudge the person summoned to be the putative father of such bastard child, and make an order on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child under the provisions of this Act, of a sum of money, weekly, not exceeding five shillings a week for the maintenance of the child.

Magistrate may make an order on the putative father for the maintenance of bastard child.

13. All money payable under any order as aforesaid shall be due and payable to the mother of the bastard child so long as she lives and is of sound mind, and is not in prison, and maintains the child, and after the death of the mother of such child, or while she is of unsound mind or confined in prison, or if it be shown to the satisfaction of the Magistrate that she does not maintain the child, any Police Magistrate may, if he thinks fit, from time to time appoint some person who with his own consent shall have the custody of such child during the time that it is not chargeable to any parish, and such Magistrate may revoke the appointment of such person and appoint another person in his stead, and every person so appointed to have the custody of such child shall, so long as such child is not chargeable to any parish, be empowered to make application for the recovery of all payments becoming due under the order of court in the same manner as the mother might have done.

Money paid under such order to be paid to the mother or to a person appointed by the Magistrate.

14. When and so often as any bastard child for whose Payments for

Settlement of the Poor and Bastardy Act.

bastard children chargeable on any parish.

maintenance an order has been made by a Police Magistrate on the application of the mother shall become chargeable to any parish, the Churchwarden, a Guardian, or Inspector of Poor of the parish in which such child shall be so chargeable shall be entitled to receive on behalf of the parish and to recover in the same manner as the mother might have done the payments then due or becoming due under the said order as may accrue during the period for which such child is chargeable.

Churchwarden, Guardian or Inspector of Poor may recover cost of relief of bastard children in certain cases.

15. When a bastard child becomes chargeable to a parish, the Churchwarden, a Guardian, or the Inspector of Poor of such parish may apply to the Police Magistrate of the parish, who shall summon the man alleged to be the father of the child to show cause why an order should not be made upon him to contribute towards the relief of the child, and upon his appearance or on proof that the summons was duly served upon him, or left at his last place of abode within a reasonable time before the hearing, such Police Magistrate shall hear the evidence of the mother and such other evidence as may be produced, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the Police Magistrate, he may adjudge the man to be the putative father of such bastard child, and may proceed to make an order upon such putative father to pay to the Guardians of the Poor of the parish, such sum, weekly or otherwise, not exceeding at the rate of five shillings per week, towards the relief of the child during such time as the child shall continue or afterwards be chargeable as shall appear to him to be proper; and any payment so ordered to be made shall be recoverable by the Churchwarden, a Guardian, or the Inspector of Poor in the same manner as under an order obtained by the mother; provided as follows:—

(1) No payments shall be recoverable under such order except in respect of the time during which the child is actually in receipt of relief.

(2) An order under this section shall not be made, and if made, shall cease, except for the recovery of arrears, when the mother of the child has obtained an order under this Act.

(3) An order under this section shall not be made, and if made shall cease, if and when the mother of the child is in a position to maintain such child.

Settlement of the Poor and Bastardy Act.

(4) Nothing in this section shall relieve the mother of a bastard child of her liability to maintain such child.

16. (1) If at any time after the making of such order complaint shall be made to the Police Magistrate that any sum to be paid in pursuance of such order has not been paid, he shall summon the putative father and inquire into the complaint, and if he is satisfied,

Orders, how obtained.

(a) that the amount claimed is due and has not been paid or duly tendered ;

(b) that the putative father making default has had, since the date of the order, or the last payment in respect thereof, the means to pay the sum in respect of which he had made default ; provided that the onus of proving inability to satisfy any order shall be on such putative father,

he shall, subject to the provisions of the next section, order the payment of the arrears to be enforced under either subsection three or subsection four of section forty one of the Police Magistrates Act 1905 as he may think fit.

(2) A summons under this section shall be served in the manner provided for by the Police Magistrates Act 1905, or, in case the defendant shall be out of the Island or cannot be found, in such other manner as the Police Magistrate shall direct.

Summons how obtained and served.

17. If the mother, or the person appointed as aforesaid to have the custody of the child, or the Guardians of the Poor, Churchwarden, or Inspector of Poor, shall allow the weekly payments to be in arrear for more than four successive weeks without application to the Magistrate, the putative father shall not be ordered to pay, exclusive of costs, more than the amount due for four weeks in discharge of the whole debt ; provided always that this section shall not apply where the putative father absconds, or is absent from the Island.

Limitation of amount recoverable under order.

18. The putative father of an illegitimate child shall be liable to pay the expenses, properly incurred by the Guardians of the Poor in any parish, attending the confinement of the mother of such child, and the funeral expenses, if such child has died under the age of twelve years ; provided always that the amount of such expenses to be recovered from the putative father shall be limited in either case to one pound.

Putative father liable to guardians of poor for confinement and funeral expense.

Settlement of the Poor and Bastardy Act.

Duration of
Magistrate's
order.

19. No order made under this Act for the maintenance or for contribution towards the relief of any such child made in pursuance of this Act shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect to whom it was made has attained the age of twelve years, or after the death of such child.

Punishment of
mother or puta-
tive father for
the desertion of
bastard children
becoming
chargeable on
parish.

20. If the mother, or person adjudged to be the putative father of a bastard child, shall desert such child or quit the colony without providing for its maintenance and it shall become chargeable to the parish, it shall be lawful for the Churchwarden, a Guardian, or the Inspector of Poor, during the time that they or either of them shall be liable to contribute to the support of such child, to attach by warrant under the hand of the Police Magistrate of the parish to which such child has become chargeable so much of the goods, chattels, and effects of such mother or putative father as shall when sold realize sufficient to provide for such child; and in case the Churchwarden, Guardian or Inspector of Poor can find no goods or chattels, it shall be lawful for the Magistrate to issue his warrant for the apprehension of such mother or putative father and to commit him or her to prison for any time not exceeding six months with hard labour; provided always that if such mother or putative father can find sufficient security for the maintenance of such child for such time as the Magistrate may determine, and the costs of the proceedings, such mother or putative father shall be released. Order on putative father may be varied or annulled.

Variation or annulment of order on putative father.

Review of
order on
application of
putative father.

21. The putative father of any bastard child on whom an order for the maintenance of such child has been made at the instance, either of the mother, Churchwarden, Guardian, or Inspector of Poor, may apply to the Police Magistrate who made such order, or his successors in office, to review such order, and such Police Magistrate shall review such order, and if upon such review such Police Magistrate shall be satisfied that the mother of such bastard child is able, either wholly or in part, to maintain such child, or that such putative father, owing to change of circumstances, is unable to comply with such order, he shall annul or vary his order accordingly.

West Indian Oil Syndicate (Limited) Act.

1898—1.

An Act to enable the West Indian Oil Syndicate, Limited, their successors and assigns to lay down Pipes for the purposes of their works under the Public Roads, subject to certain restrictions and conditions.

[1 February, 1898.]

WHEREAS the West Indian Oil Syndicate, Limited, are putting down borings and making explorations for oil in certain parts of the Island, and, in the event of oil being found in sufficient quantities, intend to carry on the working of it in the Island on an extensive scale, and to enable them to carry out their undertaking successfully it is necessary that facilities of transport should be afforded them, and they have petitioned the Legislature to grant them the right to lay pipes for the purposes of their works under the public roads, subject to certain restrictions and conditions; and whereas the establishment of a new industry of this nature on a large scale in the Island will be very advantageous: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the West Indian Oil Syndicate (Limited) Act 1898.

2. In this Act unless the context otherwise requires, Interpretation.

(a.) The term “the Syndicate” shall mean the West Indian Oil Syndicate, Limited, their successors and assigns.

(b.) The word “Justice” shall mean the Magistrate of the district.

(c.) The term “road” shall mean and include all public highways and bridges, and also any land by the side and forming part of any public highway, except public highways and bridges lying within the limits of one mile from the existing limits of Bridgetown.

(d.) The term “road authority” shall mean the Commissioners of Highways for the parish in which the road or roads are situate, or any person appointed by them.

(e.) The term “the department” shall mean the Water Works Department.

West Indian Oil Syndicate (Limited) Act.

Power to break
up highways.

3. The Syndicate may from time to time, as they shall require to lay pipes underground for collecting oil and conducting it to a central station or stations and to a place of shipment, or to remove, renew, or repair such pipes, open and break up the roads for the purpose of laying, removing, renewing, or repairing such pipes under the said roads, subject to the following regulations:—

(1.) The Syndicate shall give to the road authority where it is proposed to break up any particular road, and in the case of a road in which there is a water pipe, railway line, or tramway line, to the department or the company owning the same respectively, notice of their intention to open and break up the said road, specifying the time at which they will begin to do so, and the road or portion of the road under which it is proposed to lay the pipe line or lines, such notice to be given five days at least before the commencement of the work.

Provided that in cases of emergency arising from defects or breakages in any pipes which have been laid by the Syndicate under this section the work may be commenced forthwith, and notice shall be given as soon as possible after the beginning of the work or after the necessity for the same shall have arisen.

(2.) No such road shall, unless a case of emergency shall arise as aforesaid, be opened or broken up except under the superintendence and to the reasonable satisfaction of the road authority, and, where necessary, of the department or any company interested, and in case of any difference arising between the Syndicate and the road authority or the department or any company interested respecting the laying down of any pipe and the opening and breaking up of any road for such purpose, then the work shall be done according to such plan as shall be determined by a Justice, and such Justice may on the application of the road authority require the Syndicate to make such temporary or other works as he may think necessary for guarding against any interruption of the drainage on the said road during the execution of any work which may interfere with any drain.

Provided that if the road authority or the department or any company interested shall fail to attend at the time fixed for the opening of any such road, after having had such notice of the intention of the Syndicate as aforesaid, or shall refuse or neglect to give such superintendence as aforesaid, or shall discontinue the same during the work the Syndicate may perform the work

West Indian Oil Syndicate (Limited) Act.

specified in such notice without the superintendence of the said road authority or department or company.

Provided also that before they shall commence to lay down any main pipes for conducting oil from their works to any place of shipment the Syndicate shall lay before the Legislature for approval a plan showing the route along which it is proposed to lay such main pipes, and such plan when approved shall be deposited in the Registration Office of this Island, and the Registrar shall permit all persons interested to inspect the same at all reasonable times on payment of one shilling for every such inspection.

Plans of mains to be submitted for the approval of the Legislature.

4. Should the Syndicate desire to lay down pipes in any road in which a pipe or pipes of the department shall have been already laid, the pipes proposed to be laid by the Syndicate must be placed under such road on the side opposite to that in which the pipes of the Department shall have been laid, except where it may be absolutely necessary for the Syndicate to lay pipes across such roads.

Protection of Water Department pipes.

5. If in lowering any road it shall be found necessary to have any pipes or pipe belonging to the Syndicate in such road placed at a greater depth the Syndicate shall at their own cost relay such pipes at a proper depth on being required to do so by the road authority.

When Syndicate to lower and re-lay pipes.

6. When the Syndicate have opened or broken up any portion of a road they shall be under the following further obligations, namely:—

Restoration and protection of roads broken up by the Syndicate.

(1.) The Syndicate shall with all convenient speed complete the works on account of which they opened or broke up the said road and, subject to the formation, maintenance, or renewal of anything authorised by this Act, fill in the ground and make good the surface and where necessary restore the portion of the road to as good a condition as that in which it was before it was opened or broken up and clear away all surplus metalling or rubbish occasioned thereby.

(2.) The Syndicate shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night.

(3.) If the Syndicate fail to comply in any respect with the provisions of this and the last preceding section, the road authority or the department or any company

West Indian Oil Syndicate (Limited) Act.

affected thereby after giving at least seven days' notice shall be at liberty to make good the defective work and to recover the cost thereof from the Syndicate in a summary way.

When this Act shall cease to be operative.

7. If the powers conferred by this Act on the Syndicate shall not be exercised within two years from the passing of this Act, or if at any time the pipes already laid shall cease to be used for the space of two years this Act shall be null and void.

An Act to consolidate the Acts of this Island relating to Merchant Ships and Seamen.

[7 July 1898.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

Short title.

1. This Act may be cited as the Merchant Shipping Act, 1898.

PART I.

PROTECTION OF MERCHANT SHIPS.

General provisions.

Interpretation of terms.

2. In the construction, and for the purposes of this part of this Act, if not inconsistent with the context or subject matter, the following terms shall have the respective meanings hereinafter assigned to them, that is to say:—

“master” means any person (except a pilot) having command or charge of any ship:

“ship” means every description of vessel used in navigation which is not propelled by oars:

“statute-adult” means any person of the age of twelve years or upwards, or two persons between the age of one and twelve years.

Merchant Shipping Act.

"intercolonial voyage" means any voyage from any place within this Island to any other place whatever, where the distance between such places does not exceed six hundred miles, or such other distance as may be declared by the Governor under the provisions of this part of this Act to be an "intercolonial voyage."

3. Nothing in this part of this Act shall be held to in any way interfere with any of the provisions of the Imperial Merchant Shipping Act, 1894, nor of any Act or Acts amending the same which may have the force of law in this colony.

Act not to interfere with certain Imperial Acts.

4. It shall be lawful for the Governor-in-Executive Committee to fix what fees, not exceeding those specified in this section, shall be paid for the survey or inspection of ships, for obtaining the surveyor's certificate of seaworthiness hereinafter mentioned, or for any other purpose under this part of this Act, and at any time to alter or annul the same; and any fees so fixed shall be paid in such manner and to such person or persons or for the public uses of this Island according as the Governor-in-Executive Committee shall direct; provided that when any fees are so fixed, altered, or annulled, such shall be published in the Official Gazette.

Governor-in-Executive Committee may fix scale of fees payable under Act.

Fees.

Table of maximum fees to be paid for the measurement, survey, and inspection of merchant ships.

For measurement of tonnage.

For a ship under 50 tons register tonnage ...	£1	0	0
From 50 to 100 tons	1	10	0
" 100 to 200 "	2	0	0
" 200 to 500 "	3	0	0
" 500 to 800 "	4	0	0
" 800 to 1,200 "	5	0	0
" 1,200 to 2,000 "	6	0	0
" 2,000 to 3,000 "	7	0	0
" 3,000 to 4,000 "	8	0	0
" 4,000 to 5,000 "	9	0	0
" 5,000 and upwards	10	0	0

Merchant Shipping Act.

For the inspection of the berthing or sleeping accommodation of the crew.

For each visit to the ship £0 10 0
 Provided as follows:—

(1.) The aggregate amount of the fees for any such inspection shall not exceed one pound (£1) whatever be the number of separate visits.

(2.) When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for such inspection.

For the surveyor's certificate of seaworthiness... .. £0 12 6

Surveyors.

Appointment of surveyors. 5. The Governor may appoint and remove surveyors of ships within the limits of this Island for any purposes of this Act, or of the Merchant Shipping Act, 1894 (Imperial Statute) to be carried into effect in this Island.

Powers of surveyors. 6. (1) A surveyor in the execution of his duties—

(a.) May go on board any ship and inspect the same, or any part thereof, or any of the machinery, boats, equipments, cargo, or articles on board thereof, and may require the unloading or removal of any cargo, ballast, or tackle, not unnecessarily detaining or delaying her from proceeding on any voyage;

(b.) May enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of any report which he is directed to make;

(c.) May, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries he thinks fit to make;

(d.) May require and enforce the production of all books, papers, or documents which he considers important for the purpose of his report; and

(e.) May require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

Merchant Shipping Act.

(2.) If any person refuses to attend as a witness before the surveyor after having been required to do so in manner provided by this section, or refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declaration which a surveyor is hereby empowered to require, that person shall for each offence be liable to a penalty not exceeding ten pounds.

7. If any person wilfully impedes the surveyor in the execution of his duty, whether on board a ship or elsewhere, that person shall for each offence be liable to a penalty not exceeding ten pounds, and may be arrested by the surveyor or by any person whom he may call to his assistance and taken to a police station. Penalty for obstructing a surveyor.

Unseaworthy Ships.

8. (1.) Every person who sends, or attempts to send, or is party to sending or attempting to send, any British ship, or British vessel of any description, to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any period not exceeding two years with or without hard labour, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was under the circumstances reasonable and justifiable; and for the purpose of giving such proof he may give evidence in the same manner as any other witness. Sending unseaworthy ship to sea a misdemeanour.

(2.) Every master of a British ship, who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any period not exceeding two years with or without hard labour, unless he proves that her going to sea in such unseaworthy state was under the circumstances reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

(3.) A prosecution under this section shall not be instituted except by or with the consent of the Governor. A misdemeanour under this section shall not be punishable upon summary conviction.

9. In every contract of service, express or implied, between the owner of a ship and the master or any seaman Obligation of shipowner to

Merchant Shipping Act.

crew with respect to use of reasonable efforts to secure seaworthiness.

thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same; provided that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state, where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

Power to detain unsafe ships, and procedure for detention

10. (1.) Where a British ship being in any port in this Island is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments, or machinery, or by reason of undermanning, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship may be provisionally detained for the purpose of being surveyed, or for ascertaining the sufficiency of her crew, and either finally detained or released, as follows:—

(a.) The Governor, if he has reason to believe, on complaint, or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed, or for ascertaining the sufficiency of her crew, and may appoint a person to survey her.

(b.) When a ship has been provisionally detained, there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Governor may, if he thinks fit, appoint some competent person or persons to survey the ship and report thereon to him accordingly.

(c.) The Governor, on receiving the report, may either order the ship to be released, or, if in his opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, or the manning of the ship, as the Governor thinks necessary for the protection of human life, and may from time to time vary or add to any such order.

Merchant Shipping Act.

(d.) Before the order for final detention is made, a copy of the report shall be served upon the master of the ship, and within seven days after that service the owner or master of the ship may appeal to the court of survey for the port or district where the ship is detained.

(e.) Where a ship has been provisionally detained the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case if the surveyor and assessor agree the Governor shall cause the ship to be detained or released accordingly, but if they differ the Governor may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(f.) Where a ship has been provisionally detained, the Governor may at any time, if he thinks it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(g.) The Governor may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2.) Any surveyor appointed by the Governor for the purpose shall have the same power as the Governor has under this section of ordering the provisional detention of a ship for the purpose of being surveyed, or for ascertaining the sufficiency of her crew; and, if he thinks that a ship so detained by him is not unsafe, may order her to be released.

(3.) Any such surveyor shall forthwith report to the Governor any order made by him for the detention or release of a ship.

(4.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5.) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6.) The powers exerciseable under or for the purposes of this section shall include power to muster the crew.

Merchant Shipping Act.

Costs of detention and survey of ship.

11. If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Act, the owner of the ship shall be liable to pay the costs of and incidental to the detention and survey of the ship, which costs shall be recovered with the costs of the action on complaint of the surveyor in an action of debt. For the purposes of this Act the costs of and incidental to any proceedings before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Government, shall be deemed to be part of the costs of the detention and survey of the ship.

Power to require from complainant security for such costs.

12. Where a complaint is made to a surveyor that a British ship is unsafe, the surveyor may, if he thinks fit, require the complainant to give security to his satisfaction for the costs of and incidental to the detention and survey which the owner of the ship may not become liable to pay under the preceding section; provided that where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship and is not in the opinion of the surveyor frivolous or vexatious, such security shall not be required, and the surveyor shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act.

Application to foreign ships of provisions as to detention.

13. Where a foreign ship has taken on board all or any part of her cargo at this Island, and is, whilst at this Island, unsafe by reason of overloading or improper loading, or by reason of undermanning, the provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(1.) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer, should there be one, for the State to which the ship belongs, or, should there not be one, on the consignee of the ship, or, should there not be one, on the master of the ship.

(2.) Where a ship has been provisionally detained the consular officer, consignee of the ship, or master of the ship, as the case may be, may require that the person appointed by the Governor to survey the ship shall be accompanied by such person as the consular officer, consignee, or master, as the case may be, may select, and in such case, if the surveyor and such person agree, the Governor shall cause

Merchant Shipping Act.

the ship to be detained or released accordingly, but if they differ the Governor may act as if the requisition had not been made, and the owner and master shall have the appeal to the court of survey, touching the report of the surveyor, which is before provided by this Act. In this section the expression "consular officer" means any consul-general, vice-consul, consular agent, or other officer recognised by the Governor as a consular officer of a foreign State.

14. (1.) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion, or absence without leave, or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty, by not less than five, of the seamen belonging to the ship, that the ship is by reason of unseaworthiness, overloading, improper loading, undermanning, defective equipment, or for any other reason not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in its power to satisfy itself concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same and may summon any other witnesses whose evidence it may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

Survey of ships
alleged by sea-
men to be
unseaworthy.

(2.) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3.) For the purposes of this section the court shall require any surveyor of ships appointed under this Act to survey the ship, and to answer any question concerning her which the court may think fit to put.

(4.) Such surveyor shall survey the ship and make his written report to the court, including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the question before it in accordance with those opinions.

(5.) Any person making a survey under this section shall have all the powers of a surveyor under this Act.

Merchant Shipping Act.

(6.) The costs, if any, of the survey shall be according to a scale of fees to be fixed by the Governor-in-Executive Committee.

(7.) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person.

(8.) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court may award.

(9.) The costs of a survey as aforesaid under subsection (7) of this section, which the wages due or to become due are insufficient to pay, shall be paid from the Public Treasury.

Court of Survey.

Constitution of court.

15. A court of survey shall consist of the Police Magistrate for the district, or in the case of Bridgetown one of the Police Magistrates for Bridgetown, sitting with two assessors, who shall be appointed by the Governor, and who shall be, so far as such is possible, persons of nautical, engineering, or other special skill and experience.

Power and procedure of court of survey.

16. With respect to the court of survey the following provisions shall have effect:—

(1.) The case shall be heard in open court.

(2.) The Police Magistrate and each assessor may survey the ship, and shall have for the purposes of this Act all the powers of a surveyor appointed under this Act; and all persons wilfully impeding them in the execution of their duties shall be subject to the penalty imposed by this Act for impeding a surveyor in the execution of his duty.

(3.) The Police Magistrate may appoint any competent person or persons to survey the ship and report thereon to the court.

Merchant Shipping Act.

(4.) The Police Magistrate, any assessor of the court, and any person appointed by the Police Magistrate to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle; and any person who wilfully impedes such Police Magistrate, assessor, or person in the execution of the survey, or fails to comply with any requisition made by him, shall for each offence be liable to a penalty not exceeding ten pounds.

(5.) The Police Magistrate shall have power to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship the ship shall be released.

(6.) The owner and master of the ship, and any person appointed by the owner or master, and also any person appointed by the Governor, may attend at any inspection or survey made in pursuance of this section.

(7.) The Police Magistrate shall send to the Governor the prescribed report, and each assessor shall either sign the report, or report to the Governor the reasons for his dissent.

17. The Governor-in-Executive Committee may from time to time make, and when made, revoke, alter, and add to, general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of and procedure before the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules. All such rules while in force shall have effect as if enacted in this Act, and the expression "prescribed" in the provisions of this Act, relating to the detention of ships or court of survey, means prescribed by such rules.

Rules and procedure of court of survey, etc.

Registration.

18. Where a ship has ceased to be registered as a British ship by reason of having being wrecked, or abandoned, or for any reason other than capture by the enemy or transfer to a person not qualified to own a British ship, such ship shall not be re-registered until she has, at the expense of the applicant for registration, been surveyed by one of the surveyors appointed by the Governor under this Act, and certified by him to be seaworthy.

Re-registration of British ships in certain cases

19. Where a foreign ship has been wrecked, or abandoned, such ship shall be incapable of being registered as a

Registration under certain

Merchant Shipping Act.

circumstances of foreign ship as a British ship.

British ship until she has, at the expense of the applicant for registration, been surveyed by one of the surveyors appointed by the Governor under this Act, when, if certified by such surveyor to be seaworthy, she may be registered accordingly.

Detention of ships (intercolonial) with persons in excess of number allowed.

20. (1.) Any police constable may stop any ship about to leave this Island on an intercolonial voyage, and board and search her to ascertain whether a larger number of persons are on board than is allowed by the certificate granted to the master of such ship; and it shall be lawful for a police constable to demand from the master of such ship the production of such certificate, and on the master refusing to produce the same, or, if on examination thereof, it shall appear that there are a greater number of persons about to proceed by such ship than are allowed by such certificate, such police officer may detain such ship until such time as he can communicate with the Harbour and Shipping Master.

(2.) Any master who shall refuse to stop his ship when required to do so by the Harbour and Shipping Master, his chief clerk, or a police constable, or who shall refuse to produce the certificate aforesaid to the Harbour and Shipping Master, his chief clerk, or a police constable, shall be liable to a penalty not exceeding twenty five pounds, and the ship may be detained by the Harbour and Shipping Master, his chief clerk, or the police in order that she may be boarded and searched.

Intercolonial ships.

Application to intercolonial ships of provisions as to detention.

21. The provisions of this Act with respect to the detention of British ships shall apply to ships employed on any intercolonial voyage as defined by this Act with the following conditions and modifications; no ships shall be employed in carrying passengers on any intercolonial voyage as defined by this Act, until the master thereof shall have obtained from a surveyor a certificate, which shall be in force for twelve months from the date of issue, to the effect that the ship is not by reason of the defective condition of her hull, equipments, or machinery unfit to carry passengers or proceed to sea, and such certificate shall set forth the number of persons such ship is constructed to carry, and the master of any ship who shall proceed on any intercolonial voyage without having obtained and being in possession of such certificate, or who shall obtain such certificate by means of any false pretence or wilful misstatement, or who shall take on board or permit to

Merchant Shipping Act.

remain on board any larger number of persons than is allowed by such certificate, shall be liable on conviction before any Police Magistrate to a penalty not exceeding twenty pounds, provided always that the possession of such certificate shall not prevent the detention of a ship under the other provisions of this Act.

22. (1.) No passenger ship employed in carrying passengers on any intercolonial voyage shall carry a greater number of persons, including every individual on board, than in the proportion of one statute adult for every ton of her registered tonnage, and, if there shall be on board of any ship at and after the time of clearance a greater number of persons than in the proportion aforesaid, the master of such ship shall be liable to a penalty not exceeding twenty pounds for every such offence. Proportion of passengers to tonnage of ship.

(2.) An officer of a port to which a ship has gone from Barbados on an intercolonial voyage may sign a statement in writing as to the number of persons which such ship has taken to that port from Barbados, and may transmit such statement to Barbados; and any such statement which purports to be signed by such officer shall be accepted in all courts of law in this Island as prima facie evidence of the number of persons on board such ship at and after the time of clearance of such ship from this Island.

23. The Harbour and Shipping Master is hereby empowered to detain any ship which he may have good reason to believe to be by overloading, improper loading, overcrowding, unseaworthy condition, or any other cause, unfit to proceed on any intercolonial voyage, and he shall forthwith report such detention to the Governor with a statement of the grounds of such detention. Harbour and Shipping Master may detain ship.

24. If any person shall be found on board any such ship with intent to obtain a passage therein without the consent of the owner, master, or charterer, such person and every person, aiding and abetting him in such fraudulent intent, shall respectively be liable on conviction before a Police Magistrate to a penalty not exceeding ten pounds. Punishment of persons attempting to leave in a ship without consent of owner &c.

25. The four last preceding sections of this Act shall not extend to any of Her Majesty's ships of war, nor to any ships in the service of the Commissioners for executing the office of Lord High Admiral of the United Kingdom, nor to any steam vessel. Sections 21 to 24 not to apply to certain ships.

Merchant Shipping Act.

Governor-in-Executive Committee may change length of intercolonial voyage.

26. It shall be lawful for the Governor-in-Executive Committee from time to time to change the length of the intercolonial voyage as defined by this Act; provided that any such change shall be duly published in the Official Gazette of this Island.

Duty of owner and master as to life saving appliances &c.

27. It shall be the duty of the owner and master of every intercolonial ship to see that his ship is provided, in accordance with rules under this Act, with such boats, life jackets, and other appliances for saving life at sea as, having regard to the nature of the service on which the ship is employed and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

Governor-in-Executive Committee may make rules &c., as to such appliances.

28. (1.) The Governor-in-Executive Committee may from time to time make, rescind, and vary rules with respect to :—

(a.) The arranging of intercolonial ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried.

(b.) The number and description of the boats, life boats, life rafts, life jackets, and life buoys to be carried by intercolonial ships according to the class in which they are arranged, and the mode of their construction, also the equipments to be carried by the boats and rafts and the methods to be provided to get the boats and other life saving appliances into the water; such methods may include oil for use in stormy weather.

(c.) The quantity, quality, and description of buoyant apparatus to be carried on board ships carrying passengers either in addition to or in substitution for boats, life boats, life rafts, life jackets, and life buoys.

(2.) All rules made under this section shall receive the sanction of both houses of the Legislature, and shall thereupon have the force and effect of law.

PART II.

AGREEMENTS WITH CREW.

Agreements to be made with seamen containing certain particulars.

29. The master of every ship which belongs to this colony and trades to ports outside the colony shall enter into an agreement with every seaman whom he carries to sea from any port in the colony as one of his crew in the

Merchant Shipping Act.

manner hereinafter mentioned; and every such agreement shall be in the form sanctioned by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, (that is to say):—

(1) the nature and as far as practicable the duration of the intended voyage or engagement;

(2) the number and description of the crew, specifying how many are engaged as sailors;

(3) the time at which each seaman is to be on board or to begin work;

(4) the capacity in which each seaman is to serve;

(5) the amount of wages which each seaman is to receive;

(6) a scale of the provisions which are to be furnished to each seaman in cases where it is agreed that the provisions are to be furnished;

(7) any regulations as to conduct on board and as to fines, short allowance of provisions, or other lawful punishments for conduct which have been sanctioned by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case, as to advance and allotment of wages, and may contain any other stipulations which are not contrary to law.

30. The following rules shall be observed with respect to agreements, that is to say:

(1) every agreement shall be signed by each seaman in the presence of the Harbour and Shipping Master or other officer appointed for the purpose;

(2) such Harbour and Shipping Master or other officer as aforesaid shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest such signature, and in case any such attestation is not made, the burden of proving that the seaman was duly engaged as hereby required shall lie upon the master;

(3) when the crew is first engaged the agreement and to be in duplicate shall be signed in duplicate and one copy shall be retained by the Harbour and Shipping Master or other officer as aforesaid, and the other copy shall be delivered to the master.

Such agreements to be made before and attested by the Harbour and Shipping Master,

duplicate.

Merchant Shipping Act.

Running agreements may be made not, however, to extend beyond six months.

31. Agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond six months or the first arrival of the ship at a port in this colony after the expiration of six months, or the discharge of cargo consequent upon such arrival.

Penalty for shipping seamen without agreement duly executed.

32. If in any case a master carries any seaman to sea without entering into an agreement with him as is by this Act required, he shall for each such offence incur a penalty not exceeding five pounds; provided always that this shall not apply to any case in which a seaman already engaged is not on board at the time appointed for a vessel's departure and the master engages another seaman to supply his place after the Harbour and Shipping Master's office hours, and reports the fact in writing to the sergeant major of the harbour police, and on his return to the Island engages the seaman with the forms by this Act required.

Alteration to be void unless attested to have been made with the consent of all parties.

33. Every erasure, interlineation, or alteration in any such agreement shall be wholly inoperative unless proved to have been made with the consent of all the parties interested in such erasure, interlineation, or alteration by the written attestation of a shipping master or other officer as aforesaid.

Penalty for falsifying agreement.

34. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes or assists in making or procures to be made any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of, any agreement shall for each such offence be deemed guilty of a misdemeanour.

Seamen not to be bound to produce agreement.

35. Any seaman may bring forward evidence to prove the contents of any agreement or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof.

Copy of agreement to be made accessible to crews.

36. The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement, omitting the signatures, to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding five pounds.

Fees to be paid upon engagements.

37. The fees payable to the Harbour and Shipping Master under the provisions of this part of this Act shall be those specified in the the schedule to the Harbour and Shipping Master Act 1909, save and except for the engagement of seamen separately the fee shall be one shilling

Merchant Shipping Act.

for each. Such fees shall be paid into the Public Treasury to the credit of the general revenue at the end of each month.

PART III.

SEAMEN'S LODGING-HOUSES.

Definition of seaman.

38. For the purposes of this part of this Act, the term *seaman* shall include every person (except masters, pilots, and apprentices) who earns his living by belonging to or being engaged in any capacity in any British mercantile ship, or the mercantile marine service of any foreign government or state, whether such person be at the time of any question arising entered on the articles of any vessel or not.

Interpretation.

Licensing and registration.

39. No person shall keep a seamen's lodging-house, or permit any seaman to board or lodge in any house, unless such person shall be duly registered and licensed as the keeper of a seamen's lodging-house according to the provisions of this part of this Act. Provided always that in case of the death of the person so registered and licensed his widow or any member of his family may keep the house as a seamen's lodging-house for not more than four weeks after the death of such person without being registered and licensed as the keeper thereof.

Keeper of a seamen's lodging-house to be registered and licensed.

Provision in case of death.

40. No keeper of a seamen's lodging-house shall receive into his lodging-house more seamen than he is by his license authorized to receive therein.

Not to receive more seamen than authorized by license.

41. The Colonial Secretary shall keep a register in which shall be entered the names and residences of all the keepers of seamen's lodging-houses, and the situation of every such house and the number of seamen authorized to be received therein, and a copy of such register and of all additions thereto or alterations therein from time to time made shall be forwarded by the said Secretary to the Inspector General of Police, the Harbour and Shipping Master, and the Colonial Treasurer.

Colonial Secretary to keep register of seamen's lodging houses

42. No person applying to be registered and licensed as a seamen's lodging-house keeper shall be entitled to have his name placed on the said register or to be licensed until his house shall have been inspected and approved for that purpose by some person appointed in that behalf by the

Before any person is licensed, house to be inspected.

Merchant Shipping Act.

Governor-in-Executive Committee, and the Governor-in-Executive Committee is hereby authorized to appoint a person to inspect the houses of persons from time to time applying to be so registered and licensed as aforesaid.

Remuneration of inspector.

43. Every inspector appointed as aforesaid shall as a remuneration for each inspection made by him be entitled to receive out of the Public Treasury on the warrant of the Governor-in-Executive Committee a fee of five shillings.

No holder of a retailer's licence to keep lodging-houses.

44. No person shall be registered and licensed as the keeper of a seamen's lodging-house, if and so long as he holds a license to retail spirituous liquors, or if and so long as any kind of distilled spirits, malt liquors, or wines is retailed by any person in any part of the house intended to be used as a seamen's lodging-house; and no license to retail spirituous liquors shall be granted to any person registered and licensed as the keeper of a seamen's lodging-house so long as he is so registered and licensed.

Certificate of register fee being paid, and certificate of character to be laid before Governor-in-Executive Committee.

45. Any person desirous of being registered and licensed as a keeper of a seamen's lodging-house shall pay to the Colonial Treasurer for the benefit of the general revenue a fee of ten shillings, and shall produce to the Colonial Secretary to be laid before the Governor-in-Executive Committee a discharge for such fee signed by the Colonial Treasurer (which discharge the Colonial Treasurer is hereby required to give on such fee being paid to him), and also a certificate in writing signed by two known merchants of this Island, and also a Justice of the Peace, that the person so applying is known to them and is of good character and repute, and is in their opinion a fit and proper person to keep a seamen's lodging-house.

Person complying with last preceding section to receive license.

46. Every person who complies with and satisfies the provisions of this part of this Act shall be entitled to have his name placed on the register of keepers of seamen's lodging-houses and to receive from the Colonial Secretary a license in the following form duly filled in.

Form.

No. of application.....
 Date of registration.....
 Name of person licensed
 Situation of his lodging-house.....
 Number of seamen to be received therein.....

By order,
 (Signed)
 Colonial Secretary.

Merchant Shipping Act.

47. A copy of any entry made in a register kept under this Act, certified by the person having the charge of the same to be a true copy, shall be received in all courts and before all Judges or Police Magistrates, and on all occasions whatsoever as evidence, and be sufficient proof of all things therein registered without production of the register itself or of any document, act, or thing on which the entry is founded; and every person applying at a reasonable time shall on paying a fee of one shilling be furnished by the person having such charge with a certified copy of any such entry.

Copy of any entry in register duly certified to be evidence.

48. Every keeper of a seamen's lodging-house shall set up a list to be approved by the Governor-in-Executive Committee of all his charges for board and lodging in a conspicuous place in the hall or the principal public room of his lodging-house, and shall furnish the Harbour and Shipping Master with a copy of such list certified by the Colonial Secretary, and the Harbour and Shipping Master is hereby required to expose such lists in his office; and no keeper of a seamen's lodging-house shall demand or receive from any seaman boarding or lodging therein any sum for board and lodging in excess of the charges specified in such list.

List of lodging-house charges to be conspicuous, and copy forwarded to Harbour and Shipping Master

49. When it appears to the Governor-in-Executive Committee that a seamen's lodging-house is without a proper supply of water for the use of the seamen, and that such supply can be furnished thereto at a reasonable rate, the Governor-in-Executive Committee may in writing require the keeper of the seamen's lodging-house within a time specified therein, to obtain such supply and to do all works necessary for the purpose; and if the notice to supply such water as aforesaid to such lodging-house be not complied with accordingly, the Governor-in-Executive Committee may remove the name of the lodging-house keeper from the register and cancel his license until such requisition be complied with.

Governor-in-Executive Committee to require supply of water kept.

If not done name removed from register, and license cancelled.

50. No keeper of a seamen's lodging-house shall demand or receive from any seaman payment in respect of his board and lodging in such lodging-house for a longer period than such seaman has actually resided or boarded therein.

Not to demand payment for more than actual term of residence.

51. If any person receives or takes into his possession or under his control any moneys, documents, or effects of any seaman, and does not return the same, or pay the value thereof if required so to do by such seaman, subject to such deduction as may be justly due to him from such

Penalty on refusing to return moneys, documents or effects of seamen.

Merchant Shipping Act.

seaman in respect of board or lodging or otherwise, or absconds therewith, he shall incur the penalty hereinafter provided for any breach of the provisions of this part of this Act, and any Police Magistrate of Bridgetown, besides imposing such penalty, may, by summary order, direct the amount or value of such moneys, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman, and any failure to obey such order shall be treated as a substantive offence under this part of this Act.

Penalty for soliciting seamen within 24 hours of arrival to become a lodger.

52. If within twenty four hours after the arrival of any ship at any port, harbour, or carenage in this Island, any person then being on board of any such ship solicits any seaman to become a lodger at the house of any keeper of any seamen's lodging-house, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall for every such offence incur the penalty hereinafter provided for offences under this part of this Act.

Lodging-house keeper to give notice of infectious, contagious, or epidemic disease.

53. The keeper of a seamen's lodging-house shall, if a seaman in such house become ill of fever or any infectious, contagious, or epidemic disease, give immediate notice thereof to the Colonial Secretary, to the poor law medical officer for the district, and also to the poor law inspector of the parish in which the lodging-house is situate, and after any such notice has been given it shall be lawful for the Governor-in-Executive Committee to direct that such lodging-house be used as an observation station and isolation hospital, and thereupon the provisions of any Acts relating to quarantine shall, as far as practicable, be applied to such lodging-house and the persons boarding or lodging or residing therein, as if such lodging-house were an observation station and an isolation hospital.

Harbour and Shipping Master, sanitary inspector, or officer appointed by Governor-in-Executive Committee to have free access.

54. The keeper of a seamen's lodging-house, and every other person having or acting in the care or management thereof, shall at all times, when required by the Harbour and Shipping Master, the sanitary inspector of the district, or by any officer or person appointed in writing by the Governor-in-Executive Committee, give him free access to such house, and any and every part thereof.

Cleansing and lime-washing lodging-houses.

55. The keeper of every lodging-house registered under this Act shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cess-pools, and drains thereof to the satisfaction of, and so often

Merchant Shipping Act.

as he shall be required by, the sanitary inspector of the district, and shall well and sufficiently and to the like satisfaction, lime-wash, paint, or otherwise thoroughly cleanse the walls and ceilings thereof in the first week in each of the months of May and November in every year.

56. No person shall demand or receive either directly or indirectly from any seaman, or from any person seeking employment as a seaman, or from any person in his behalf, any remuneration whatever for providing him with employment as a seaman. No remuneration for providing seamen with employment.

57. If any person, whose name appears on the register as a seamen's lodging-house keeper, be convicted of a breach of any of the provisions of this part of this Act, if he be shown on an enquiry of any nature before the Harbour and Shipping Master to have robbed any seaman of his clothes, goods, or effects, or to have defrauded any seaman of his money; if his house be known to the police as the resort of thieves or bad characters; or if the house be a nuisance to the neighbourhood owing to the gambling, drunkenness, or other disorderly behaviour going on therein or about the premises, the Governor-in-Executive Committee shall have power, after causing the said lodging-house keeper to be communicated with, and informing him of the nature of the complaint made against him, and considering any defence he may offer, to remove the name of such lodging-house keeper from the register, if deemed advisable, and to cancel his license at and from a date to be fixed in Executive Committee, which shall be duly notified to the keeper of the said lodging-house ten days at least before removing his name and cancelling his license. License cancelled for certain offences.

58. Any person who shall keep a lodging-house contrary to the provisions of this part of this Act, or who shall commit any breach of the provisions of this part of this Act, shall for every such offence be liable to a penalty not exceeding ten pounds: provided however that this part of this Act shall not exempt any person from any penalty or other liability to which he may be subject irrespective of this part of this Act. Penalty for breach of provisions of this part of Act.

PART IV.

RELIEF OF DISTRESSED COLONIAL SEAMEN.

59. In this part of this Act the term "colonial ship" means a ship registered at this colony and employed in the Definition section.

Merchant Shipping Act.

merchant service thereof. The term "colonial seaman or apprentice" means any seaman, apprentice, or other person, whether a subject of Her Majesty or a foreigner who on his last voyage was employed or engaged in, any capacity on board a colonial ship.

Disbursements by Board of Trade to relieve distressed colonial seamen abroad to be refunded from Island Treasury.

60. When under the provisions of the Merchant Shipping Act, 1894 (Imperial statute), disbursements are made by the Board of Trade out of any moneys applicable to the relief of distressed British seamen and granted by Parliament for the purpose, in respect of the relief, subsistence, conveyance home, or burial (as the case may be) of any colonial seamen or apprentices who may have been reduced to distress in foreign parts by reason of their having been shipwrecked, discharged, or left behind from any colonial ship, it shall be lawful for the Governor-in-Executive Committee to order all moneys so disbursed on account of any such seaman or apprentice to be repaid to the Board of Trade by the Treasurer of this Island, on the production of the bills of the disbursements with the proper vouchers, or on such other proof of the payment of such moneys by the Board of Trade as the Governor-in-Executive Committee may deem sufficient.

Disbursements by any Governor, Consular Officer, &c., for the subsistence of any distressed colonial seamen abroad shall be repaid from Island Treasury.

61. Whenever under the provisions of the Merchant Shipping Act, 1894, (Imperial statute), any Governor, Consular Officer, or other officer of Her Majesty in any foreign country, or in a place where there is no such Governor or Officer, any two resident British merchants, shall provide for the subsistence of any colonial seamen or apprentices who have been shipwrecked, discharged, or left behind at any place abroad, from any colonial ship, and who are in distress in such place, until such time as he or they may be able to provide them with a passage home, and for that purpose shall cause such seamen or apprentices to be put on board a ship belonging to a subject of Her Majesty bound to a port of this Island which is in want of men to make up its complement, or in default of any such ship shall provide them with a passage home as soon as possible in any ship, whether belonging to a subject of Her Majesty or a foreigner, so bound as aforesaid, and shall indorse on the agreement of any ship on board of which any seaman or apprentice is so taken or sent, the name of every person so sent on board thereof, with such particulars concerning the case as the Board of Trade requires, such Governor, Consular Officer, or merchant shall be allowed, for the subsistence of any such seaman or apprentice, such sum per diem as the

Merchant Shipping Act.

Governor-in-Executive Committee may from time to time appoint; and the amount due in respect of such allowance shall be paid by the Colonial Treasurer on the warrant of the Governor-in-Executive Committee out of the Public Treasury, on the production of the bills of disbursements with the proper vouchers.

62. The master of any ship so bound as aforesaid, who shall receive and afford a passage and subsistence to such colonial seamen or apprentices as he may be required to take on board his ship under the provisions in the said Act contained, not exceeding one for every fifty tons burden, and who shall during the passage provide every such seaman or apprentice with a proper berth or sleeping place effectually protected against sea and weather, shall on the production of a certificate, signed by any Governor, Consular Officer, or merchants by whose directions any such seaman or apprentice was received on board, specifying the number and names of such seamen or apprentices and the time when each of them respectively was received on board, and on a declaration made by such master before a Police Magistrate and verified by the Comptroller of Customs or by the registrar of seamen, stating the number of days during which each seaman or apprentice received subsistence and was provided for as aforesaid on board his ship, and stating also the number of men and boys forming the complement of his crew, and the number of seamen and apprentices employed on board his ship during such time and every variation (if any) of such number, be entitled to be paid on the warrant of the Governor-in-Executive Committee out of the Public Treasury in respect of the subsistence and passage of every seaman or apprentice so conveyed, subsisted, and provided for by him exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Governor-in-Executive Committee from time to time appoints.

The master of a ship giving food and passage to distressed colonial seamen to be paid from Treasury such sum as Governor-in-Executive Committee may determine.

63. If any moneys are paid by the Colonial Treasurer to the Board of Trade or to any Governor, Consular Officer, or merchants, or to the master of any ship under the three last preceding sections, in respect of any seaman discharged or left behind as aforesaid, or who has received any hurt as aforesaid, the same shall be a charge upon the ship in which such seaman last served, and shall be paid to the Colonial Treasurer on demand by the master or registered owner thereof.

Moneys paid out of Treasury to be repaid by ship in which relieved seamen last served.

64. It shall be lawful for the Shipwrecked Fishermen and Mariners Royal Benevolent Society, in their discretion, Shipwrecked Fishermen and

Merchant Shipping Act.

Mariners Royal Benevolent Society may relieve and send home distressed colonial seamen who cannot work a passage. to relieve and send home any colonial seaman in the United Kingdom in distress by reason of his having been shipwrecked, discharged, or left behind from any colonial ship, or by reason of his having received any hurt or injury in the service of such ship, whenever the Society is satisfied that such seaman cannot find means to provide for himself by working his passage.

The expenses of sending home a colonial seaman left behind, otherwise than in accordance with the provisions of the M. S. Acts or in consequence of injury, shall be a charge on ship in which he last served. **65.** If any colonial seaman is discharged or left behind at any place out of this Island without full compliance on the part of the master with all the provisions in that behalf contained in the Merchant Shipping Act, 1894 (Imperial statute) or any Act or Acts amending the same (proof of which compliance shall lie on the master or registered owner hereinafter mentioned), or if any such seaman receives any hurt or injury in the service of the colonial ship in which he last served and becomes distressed, and is relieved or sent home under the provisions of this Act, all expenses incurred by the Society on behalf of any such seaman under this Act shall be a charge upon the ship in which such seaman last served, and shall be paid to the society by the master or registered owner thereof.

Expenses of Society under this Act, if not paid by ship, to be paid by the Public Treasury. **66.** All expenses incurred by the Society in respect of any colonial seaman under this Act shall, if payable under the provisions of the preceding section by the master or registered owner of the ship in which such seaman last served, be forthwith paid to the Society by such master or owner on demand, but if not forthwith paid by them, whether the same shall have been demanded of them or not, or if not payable by them under the provisions of this Act shall be paid out of the Public Treasury, on the order of the Governor-in-Executive Committee on presentation by or on the behalf of the Society of a written claim for such expenses, accompanied by a certificate setting forth the various matters hereinafter referred to.

Moneys paid out of Treasury, but payable by ship, may be recovered by action. **67.** All moneys paid by the Colonial Treasurer under this Act for or in respect of expenses incurred on behalf of any colonial seaman may, in case the same are payable under this Act by the master or registered owner of the ship in which such seaman last served, be recovered either from the master or from the registered owner for the time being of the said ship by action of debt, at the instance of the Attorney General of this Island, for moneys paid out of the Treasury of this Island on account of such master or owner, or in the same way as other debts due to Her Majesty would be recoverable.

Merchant Shipping Act.

68. The said Society shall accompany each claim for the expenses incurred by them in relieving and sending home any distressed colonial seaman as aforesaid with a certificate under the seal of the said Society containing the following particulars :

The Society to send with their claim certain particulars in a certificate under seal.

- (1) the name and country of the seaman relieved or sent home ;
- (2) the name of the colonial vessel in which he last served ;
- (3) a statement that such seaman was in distress in the United Kingdom by reason of his having been shipwrecked, discharged, or left behind from the said ship, or of his having received some hurt or injury in the service thereof ; and
- (4) a statement of the expenses incurred as aforesaid.

69. In any such action the certificate aforesaid shall be accepted as sufficient evidence of the said several matters so therein certified ; and as to moneys paid by the Colonial Treasurer as aforesaid, production of the bill of disbursements, certificate or declaration to be furnished as therein provided, shall be sufficient evidence of the several matters therein set forth.

Such certificate and bills of disbursements receivable as evidence.

70. The claims of colonial seamen and apprentices to be relieved or sent home at the expense of the Island under the provisions of this Act shall be subject to such regulations and dependent on such conditions as the Governor-in-Executive Committee may from time to time make or impose ; and no such seaman or apprentice shall be entitled to be so relieved or sent home except in the cases and to the extent provided for by such regulations and conditions.

Claims of colonial seamen to be sent home or relieved to be subject to rules made by Executive Committee.

PART V.

WRECK AND RECEIVERS OF WRECK.

Interpretation.

71. In this part of this Act "wreck" shall include jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water ; and "ship" shall include every description of vessel used in navigation not propelled by oars.

Interpretation section.

*Merchant Shipping Act.**Enquiry into causes of wrecks.*

Preliminary enquiry by Police Magistrate in cases of wrecks and other casualties.

72. Whenever any ship is lost, abandoned, stranded, or materially damaged on or near the coasts of this Island :

whenever any ship causes loss or material damage to any other ship on or near such coasts ;

whenever by reason of any casualty happening to or on board of any ship on or near such coasts loss of life ensues ;

whenever any such loss, abandonment, stranding, damage, or casualty happens elsewhere to or on board of any British ship and any competent witnesses thereof arrive or are found at any place in this Island ; or

whenever any British ship is supposed to have been lost and any evidence can be obtained in this Island as to the circumstances under which she proceeded to sea or was last heard of ;

it shall be lawful for any Police Magistrate of the parish in or near which such loss, abandonment, stranding, damage, or casualty occurred, or such competent witnesses have arrived or are to be found, or such evidence can be obtained (as the case may be) to make enquiry respecting such loss, abandonment, stranding, damage, casualty, or supposed loss. And he shall for that purpose have the following powers, that is to say—

His powers

(1) He may go on board such ship and inspect the same.

(2) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers to any inquiries he thinks fit to make.

(3) He may require and enforce the production of all books, papers, or documents which he considers important for such purpose.

(4) He may administer oaths, or in lieu thereof require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

Penalty for neglect or refusal to give evidence.

Every person who refuses to attend as a witness when summoned, or who refuses or neglects to make any answer, or give any return, or to produce any document in his

Merchant Shipping Act.

possession, or to make or subscribe any declaration required of him under the authority of this Act, shall for each offence incur a penalty not exceeding ten pounds. And upon the conclusion of the case the said Police Magistrate shall send in his report to the Governor.

Report to the Governor.

73. Should it appear to the Governor, on reading such report mentioned in the last preceding section or any report made by a Receiver of wreck under the powers hereinafter conferred on Receivers or from any other information, that a more formal investigation is requisite or expedient, he shall notify his opinion to such Police Magistrate, who shall thereupon associate with himself the Police Magistrates of two adjoining districts, to be nominated by the Governor, and shall together with them form a court for the purpose of hearing the case. And the court so formed shall proceed to hear and try the same; and shall for that purpose, so far as relates to the examining of parties, compelling the attendance of witnesses, and the conduct and regulation of the proceedings, have and exercise the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which a Police Magistrate has power to decide summarily, or as near thereto as circumstances permit. And upon the conclusion of the case, the said court shall send in a report to the Governor containing a full statement of the case, and of their opinion thereon, accompanied by such reports of or extracts from the evidence and such observations as they may think fit.

Formal investigations.

Report to the Governor.

74. (1) In all cases where nautical skill and knowledge are required, the Governor shall have the power, either at the request of such court or at his own discretion, to appoint some person of nautical skill and knowledge to act as assessor to such court; and

Nautical assessors.

(2) where any investigation involves or appears likely to involve any question as to the suspending or cancelling of the certificate of a master, mate, or engineer, it shall be held with the assistance of two persons of nautical or engineering skill and knowledge, and having experience in the merchant service, appointed by the Governor to act as assessors; and every such assessor shall, upon the conclusion of the case, either signify his concurrence in their report by signing the same, or if he dissents therefrom shall signify such dissent and his reasons therefor to the Governor.

75. Every assessor appointed as aforesaid, or under section eighty of this Act, shall be entitled to receive

Payment of assessors.

Merchant Shipping Act.

out of the Public Treasury on the warrant of the Governor-in-Executive Committee such remuneration as the Governor-in-Executive Committee deems fit.

Parties to investigation.

76. (1) Any person appointed by the Governor, and any certificated officer upon whom a notice of investigation has been served, shall be deemed a party to the proceedings :

(2) any other person upon whom a notice of investigation has been served, and any person who shews that he has an interest in the investigation shall have a right to appear and shall thereupon become a party to the proceedings, and

(3) any other person may by permission of the court appear and shall thereupon become a party to the proceedings.

Court may proceed in their absence.

77. At the time and place appointed for holding the investigation the court may proceed to hear and adjudicate upon the case whether the parties upon whom a notice of investigation has been served or any of them are present or not.

Costs.

78. The said court may make such order with respect to the costs of any such investigation, or any portion thereof, as they may deem just ; and such costs shall be paid accordingly, and shall be recoverable in the same manner as other costs in summary proceedings before a Police Magistrate.

Enquiry during such investigation into competency &c., of officers.

79. (1.) Any court making an investigation under section seventy three may enquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, mate, or engineer as well as into any charge of a wrongful act or default on his part causing any such loss, abandonment, stranding, damage, or casualty as aforesaid.

(2.) In every case in which any such charge whether of incompetency or misconduct or of a wrongful act or default as aforesaid arises against any master, mate, or engineer in the course of or in respect of an investigation, the court shall, before the commencement of the enquiry into such charge, cause him to be furnished with a copy of the report or statement of the case upon which the investigation has been directed.

Enquiry into charges of misconduct &c.

80. (1.) If the Governor in any case has reason to believe that there are grounds for charging any master, mate, or engineer holding a certificate granted by the Board of Trade with incompetency or misconduct otherwise than in the

Merchant Shipping Act.

course of an investigation under section seventy three, he may transmit a statement of the case to any court constituted of three Police Magistrates and two assessors nominated by him, and may direct that court to make an investigation into that charge, and such court shall have all the powers conferred on courts of formal investigation by sections seventy three, seventy eight, and seventy nine, of this Act.

(2) Before commencing the investigation the court shall cause the master, mate, or engineer so charged to be furnished with a copy of the statement transmitted to it.

(3.) For the purpose of an investigation under this section into any charge against a master, mate, or engineer, the court shall give him full opportunity of making a defence.

81. Nothing in the preceding sections of this Act contained shall affect the powers conferred by the Merchant Shipping Act 1894 of England on the courts conducting investigations under sections seventy-two to seventy-eight, both included, of this Act, or on any other court to enquire into cases of loss, abandonment, stranding, damage, or casualty to or on board of any ship, or into charges of incompetency or misconduct against any master, mate, or engineer, or to cancel or suspend certificates granted under the said Merchant Shipping Act.

Saving of powers under Imperial Acts.

Receivers of wreck.

82. The Governor-in-Executive Committee shall have the general superintendence of all matters relating to wreck, and may appoint the Police Magistrate of the district, or, when it appears to the Governor-in-Executive Committee to be more convenient, any other person to be a Receiver of wreck in any district, and to perform such duties as are hereinafter mentioned and shall give due notice of every such appointment.

Governor-in-Executive Committee to superintend all matters relating to wreck with power to appoint Receivers.

83. Whenever any ship or boat is stranded or in distress at any place on the shore of the sea, or of any tidal water within the limits of this Island, the Receiver of the district shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person, and issue such directions as he may think fit, with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully

Duty of receiver when any ship is stranded or in distress.

Merchant Shipping Act.

disobeys such directions he shall forfeit a sum not exceeding twenty pounds; but it shall not be lawful for such Receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof unless he is requested so to do by such master.

Powers of Receiver in case of such accident to any ship or boat.

84. The Receiver may, with a view to such preservation as aforesaid of the ship or boat, persons, cargo, and apparel, do the following things (that is to say):

(1.) summon such number of men as he thinks necessary to assist him;

(2.) require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship, or boats as may be in his power;

(3.) demand the use of any waggon, cart, cart horses, mules, oxen, or asses that may be near at hand:

and any person refusing without reasonable cause to comply with any summons, requisition, or demand so made as aforesaid, shall for every such refusal incur a penalty not exceeding twenty pounds; provided always that reasonable compensation shall, if demanded, be payable for the use of any waggon, cart, cart horses, mules, oxen, or asses and be recoverable in the same manner in which salvage is by this Act made recoverable.

All articles washed on shore or lost or taken from any ship or boat to be delivered to the Receiver.

85. All cargo and other articles belonging to such ship or boat as aforesaid that may be washed on shore, or otherwise be lost or taken from such ship or boat, shall be delivered to the Receiver; and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the Receiver, or to any person authorized by him to demand the same, shall incur a penalty not exceeding one hundred pounds; and it shall be lawful for such Receiver or other person aforesaid to take such cargo or article by force from the person so refusing to deliver the same.

Power of Receiver to suppress plunder and disorder by force.

86. Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of such ship, boat, lives, or cargo as aforesaid, it shall be lawful for the Receiver to cause such person to be apprehended, and to use force for the suppression of any such plundering, disorder, or obstruction, as aforesaid, with power to command all Her Majesty's subjects to assist him in the use of such force, and if any person is killed, maimed, or hurt by

Merchant Shipping Act.

reason of his resisting the Receiver in the execution of his duties hereby committed to him, or any person acting under his orders, such Receiver or other person shall be freely and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

87. During the absence of the Receiver from the place where any such accident as aforesaid occurs, the following officers in succession, each in the absence of the other, in the order in which they are named (that is to say), the Inspector General of Police, the Inspector of Police, any Officer of Inland Revenue, and also any Justice of the Peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, or any sergeant of police, may do all matters and things hereby authorized to be done by the Receiver, with this exception, that with respect to any goods or articles belonging to any such ship or boat, the delivery up of which to the Receiver is hereinbefore required, any officer so acting shall be considered as the agent of the Receiver, and shall place the same in the custody of the Receiver, and no person so acting as substitute for any Receiver shall be entitled to any fees payable to Receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Certain officers to exercise powers of Receiver in his absence.

88. Whenever any such accident as aforesaid occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the persons on board the same, or the cargo or apparel thereof, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any cargo or other article recovered from such ship or boat; and all damage that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid, shall be a charge on the ship, boat, cargo, or articles in respect of or by which such damage was occasioned, and shall in default of payment be recoverable in the same manner as salvage is hereby made recoverable; and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is hereby, in case of dispute, directed to be determined.

Power in case of a ship being in distress to pass over adjoining land with carriages.

Merchant Shipping Act.

Penalty on owners and occupiers of land refusing to allow carriages &c., to pass over their land.

89. If the owner or occupier of any land, over which any person is hereby authorized to pass or repass for any of the purposes hereinbefore mentioned, does any of the following things (that is to say):—

(1.) impedes or hinders any such person from so passing or repassing, with or without carriages, horses, and servants ;

(2.) impedes or hinders the deposit of any cargo or other article recovered from any such ship or boat as hereinbefore mentioned ;

(3.) prevents such cargo or other article from remaining so deposited for a reasonable time, until the same can be removed to a safe place of public deposit ;

he shall for every such offence incur a penalty not exceeding twenty pounds.

Powers of Receiver to institute examination with respect to ships in distress.

90. Any Receiver, or in his absence any Justice of the Peace, shall as soon as conveniently may be examine upon oath (which oath they are hereby respectively empowered to administer), any person belonging to any ship, which may be or may have been in distress on the coasts of this Island, or any other person who may be able to give any account thereof, or of the cargo or stores thereof, as to the following matters, (that is to say):—

(1.) the name and description of the ship ;

(2.) the name of the master and of the owners ;

(3.) the names of the owners of the cargo ;

(4.) the ports or places from and to which the ship was bound ;

(5.) the occasion of the distress of the ship ;

(6.) the services rendered ;

(7.) such other matters or circumstances relating to such ship, or the cargo on board the same, as the Receiver or Justice thinks necessary ;

and such Receiver, or Justice, shall take the examination down in writing, and shall make two copies of the same, and shall send one of them to the Colonial Secretary's office, and the other to the Governor for transmission to the Board of Trade.

Merchant Shipping Act.

91. Every such Receiver as aforesaid shall have the following powers (that is to say) :—

For the purposes of such examination Receiver to have powers herein specified.

(1) he may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this part of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage ;

(2) he may enter and inspect any premises, the entry and inspection of which appears to him to be requisite for the purpose of the report which he is directed to make ;

(3) he may by summons under his hand require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make ;

(4) he may require and enforce the production of all books, papers, or documents which he considers important for such purpose ;

(5) he may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statement made by him on his examination ;

and every witness, so summoned as aforesaid, shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any Petty Debt Court ; and every person who refuses to attend as a witness before any such Receiver, after having been required to do so in the manner hereby directed, and, after having had a tender made to him of the expenses (if any) to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declaration which any such Receiver is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

Witnesses to be allowed expenses

Penalty for refusing to give evidence.

92. Every person who wilfully impedes any Receiver in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding ten pounds, and may be seized and detained by such Receiver, or other person, or by any person or persons whom he may call to

Penalty for obstructing Receivers in the execution of their duty.

Merchant Shipping Act.

his assistance, until such offender can be conveniently taken before some Police Magistrate or other officer having proper jurisdiction.

Rules to be observed by persons finding wreck.

93. The following rules shall be observed by any person finding or taking possession of wreck, (that is to say) :—

(1) if the person so finding or taking possession of the same is the owner, he shall as soon as possible give notice to the Receiver of the district, within which such wreck is found, stating that he has so found or taken possession of the same, and he shall describe in such notice the marks by which such wreck is distinguished.

(2) if any person, not being the owner, finds or takes possession of any wreck, he shall as soon as possible deliver the same to such Receiver as aforesaid ;

and any person making default in obeying the provisions of this section shall incur the following penalties (that is to say) :—

(1) if he is the owner, and makes default in performing the several things the performance of which is hereby imposed on an owner, he shall incur a penalty not exceeding fifty pounds ;

(2) if he is not the owner, and makes default in performing the several things the performance of which is hereby imposed on any person, not being an owner, he shall forfeit all claim to salvage ;

(3) he shall pay to the owner of such wreck, if the same is claimed, but if the same is unclaimed then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount) ; and

(4) he shall incur a penalty not exceeding fifty pounds.

Powers for Receivers to seize concealed wreck.

94. If any Receiver suspects, or receives information, that any wreck is secreted or in the possession of some person, who is not the owner thereof, or otherwise improperly dealt with, it shall be lawful for the Receiver without further warrant than this Act to enter into any house or place wherever situate, and also into any ship or boat, and to search for and to seize and detain any such wreck as aforesaid there found ; and if any such seizure is made in

Merchant Shipping Act.

consequence of information that may have been given by any person to the Receiver, the informer shall be entitled by way of salvage to such sum, not exceeding in any case five pounds, as the Receiver may allow.

95. Every Receiver shall within forty eight hours after taking possession of any wreck send a written description of the same, and of any marks by which it is distinguished, to the Governor, who shall cause the same to be published in the Official Gazette.

Notice of wreck to be given by Receiver and published in the Official Gazette.

96. In all cases where any wreck in the custody of any Receiver is under the value of five pounds, or is of so perishable a nature, or so much damaged, that the same cannot in his opinion be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the Receiver may sell the same before the expiration of the period hereinafter mentioned, and the money raised by such sale, after defraying the expenses thereof, shall be held by the Receiver for the same purposes and subject to the same claims for and to which the article sold would have been held and liable if it had remained unsold.

Goods deemed perishable or of small value may be sold immediately.

97. There shall be paid to all Receivers appointed under this Act the expenses properly incurred by them in the performance of their duties, and also in respect of the several matters specified in this section, such fees, not exceeding the amounts therein mentioned, as may from time to time be directed by the Governor-in-Executive Committee, and the Receiver shall have the same lien, and be entitled to the same remedies for the recovery of such expenses and fees as a salvor has or is entitled to in respect of salvage due to him; but, save as aforesaid, no Receiver appointed under this Act shall, as such, be entitled to any remuneration whatever.

Payments to be made to Receiver.

FEEES.

For every examination on oath instituted by a Receiver with respect to any ship or boat which may be or may have been in distress, a fee not exceeding.....: 1 0 0

But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same ship and the same occurrence whatever may be the number of the deponents.

Merchant Shipping Act.

For every report required to be sent by the Receiver to the Governor for transmission to the Board of Trade.....

10 0

For wreck taken by the Receiver into his custody, a per centage of five per cent. upon the value thereof.

But so that in no case shall the whole amount of percentage so payable exceed twenty pounds.

In cases where any services are rendered by the Receiver in respect of any ship or boat in distress not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage, that is to say :

If such ship or boat with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the Receiver is employed on such services ; but if such ship or boat with her cargo is less in value than six hundred pounds, one moiety of the abovementioned sum.

98. Whenever any dispute arises as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Governor-in-Executive Committee, whose decision shall be final.

Salvage in respect of services rendered in this Island.

99. In the following cases (that is to say), whenever any ship or boat is stranded, or otherwise in distress, on the shore of any sea, or tidal water, situate within the limits of this Island, and services are rendered by any person,

- (1) in assisting such ship or boat ;
- (2) in saving the lives of the persons belonging to such ship or boat ;
- (3) in saving the cargo or apparel of such ship or boat, or any portion thereof ;

and whenever any wreck is saved by any person other than a Receiver, within this Island ; there shall be payable by the owners of such ship or boat, cargo, apparel or wreck to the person by whom such services, or any of them, are rendered, or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him

Merchant Shipping Act.

in the performance of such services, or the saving of such wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage), to be determined, in case of dispute, in manner hereinafter mentioned.

100. Whenever any dispute arises with respect to salvage between the owners of any such ship, boat, cargo, apparel, or wreck as aforesaid and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree to the settlement thereof by arbitration or otherwise, then, if the sum claimed does not exceed one thousand pounds, such dispute shall be referred to the arbitration of the two Police Magistrates of the two districts adjoining the one within which the dispute arises (hereinafter in this Act called arbitrators); but if the sum claimed exceeds one thousand pounds, such dispute may, with the consent of the parties, be referred to the arbitration of such arbitrators as aforesaid, but, if they do not consent, shall be decided by the Colonial Court of Admiralty of this Island subject to this proviso, that if the claimant in such dispute do not recover in such court a greater sum than one thousand pounds he shall not, unless the court certifies that the case is a fit one to be tried in a superior court, recover any cost, charges, or expenses incurred by him in the prosecution of his claim; and every dispute with respect to salvage may be heard and adjudicated upon the application either of the salvor, or of the owner of the property salvaged, or of their respective agents.

Disputes as to salvage how settled.

101. Whenever any salvage question arises, the Receiver of wrecks for the district may, upon application from either of the parties, appoint a valuer to value the property in respect of which the salvage claim is made; and shall when the valuation has been returned to him give a copy of the valuation to both parties, and any copy of such valuation purporting to be signed by the valuer and to be attested by the Receiver shall be received in evidence in any subsequent proceeding, and there shall be paid in respect of such valuation, by the party applying for the same, such fee as the Governor-in-Executive Committee may direct.

Receiver may appoint a valuer in salvage cases.

102. Whenever in pursuance of this Act any dispute as to salvage is referred to the arbitration of the arbitrators, they may either themselves determine the same, with power to call to their assistance any person conversant with maritime affairs as assessor, or they may, if a difference of

Manner in which arbitrators may decide disputes.

Merchant Shipping Act.

opinion arises between them, or without such difference, if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute; and such arbitrators, or their umpire, shall make an award as to the amount of salvage payable within the following times, that is to say, the said arbitrators, within forty eight hours after such dispute has been referred to them, and the said umpire within forty eight hours after his appointment, with power nevertheless for such arbitrators or umpire, by writing under their or his hands or hand, to extend the time within which they and he are hereby respectively directed to make their or his award.

Costs of arbitrations.

103. There shall be paid to every assessor and umpire, who may be so appointed as aforesaid, in respect of his services, such sum, not exceeding five pounds, as the Governor-in-Executive Committee may from time to time direct: and all the cost of such arbitration, including any such payment as aforesaid, shall be paid by the parties to the dispute in such manner, and in such shares and proportions, as the said arbitrators, or as the said umpire, may direct by their or his award.

Arbitrators may call for documents and administer oaths.

104. The said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Appeal to Colonial Court of Admiralty.

105. If any person is aggrieved by the award made by such arbitrators, or such umpire as aforesaid, he may appeal to the Colonial Court of Admiralty of this Island: but no such appeal shall be allowed, unless the sum in dispute exceeds fifty pounds, nor unless within ten days after the date of the award the appellant gives notice to the arbitrators, to whom the matter was referred, of his intention to appeal, nor unless the appellant proceeds to take such proceedings as, according to the practice of the court, is necessary for the institution of an appeal, within twenty days from the date of the award. The Judge of the said court may from time to time make such general rules, as he thinks fit, for regulating the procedure and practice upon appeals under this section.

Arbitrators to transmit copy of proceedings and certificate of value to the Colonial Court of Admiralty.

106. Whenever any appeal is made in manner hereinbefore provided, the arbitrators shall transmit to the proper officer of the court of appeal a copy, certified under their hands to be a true copy of the proceedings had before such arbitrators or their umpire, if any, and of the award so made

Merchant Shipping Act.

by them or him, accompanied with their or his certificate in writing of the gross value of the article respecting which salvage is claimed, and such copy and certificate shall be admitted in the court of appeal as evidence in the cause.

107. Wherever the aggregate amount of salvage payable in respect of salvage services rendered in this Island has been finally ascertained, either by agreement or by the award of such arbitrators, or their umpire, but if dispute arises as to the apportionment thereof amongst several claimants, then if the amount does not exceed two hundred pounds, it shall be lawful for the party liable to pay the amount so due to apply to the Receiver of the district for liberty to pay the amount so ascertained to him; and he shall if he thinks fit receive the same accordingly, and grant a certificate under his hand, stating the fact of such payment, and the services in respect of which it is made; and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to their ship, boats, cargo, apparel, and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceed two hundred pounds, it shall be apportioned in manner hereinafter mentioned.

Payment of salvage in case of dispute as to apportionment thereof to Receiver.

108. Upon the receipt of any such amount as aforesaid, the Receiver shall, with all convenient speed, proceed to distribute the same among the several persons entitled thereto, upon such evidence, and in such shares and proportions, as he thinks fit, with power to retain any moneys that may appear to him to be payable to any absent parties; but any distribution made in pursuance of this section shall be final and conclusive against the rights of all persons claiming to be entitled to any portion of the moneys so distributed.

Apportionment of salvage so paid.

109. Whenever any salvage is due to any person under this Act, the Receiver shall act as follows, (that is to say):—

Manner of enforcing payment of salvage.

(1) if the same is due in respect of services rendered in assisting any ship or boat, or in saving the lives of persons belonging to the same, or the cargo or apparel thereof, he shall detain such ship or boat, and the cargo and apparel belonging thereto, until payment is made, or process has been issued by some competent court for the detention of such ship, boat, cargo or apparel;

(2) if the same is due in respect of the saving

Merchant Shipping Act.

of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained, he shall detain such wreck until payment is made, or process has been issued in manner aforesaid ;

but it shall be lawful for the Receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel, or wreck so detained by him as aforesaid ; and, in cases where the claim for salvage exceeds two hundred pounds, it shall be lawful for the Colonial Court of Admiralty of this Island to determine any question that may arise concerning the amount of security to be given or the sufficiency of the securities ; and in all cases where bond or other security is given to the Receiver for an amount exceeding two hundred pounds it shall be lawful for the salvor, or for the owner of the property salvaged, or their respective agents, to institute proceedings in such last mentioned court for the purpose of having the questions arising between them adjudicated upon, and the said court may enforce payment of the said bond or other security in the same manner as if bail had been given in the said court.

Power of Receiver to sell property salvaged in cases of non-payment.

110. Whenever any ship, boat, cargo, apparel, or wreck is detained by any Receiver for non-payment of any sums so due as aforesaid, and the parties liable to pay the same are aware of such detention, then, in the following cases, (that is to say) :—

(1.) in cases where the amount is not disputed, and payment thereof is not made within twenty days after the same has become due ;

(2.) in cases where the amount is disputed but no appeal lies from the first tribunal to which the dispute is referred, and payment thereof is not made within twenty days after the decision of such first tribunal ;

(3.) in cases where the amount is disputed, and an appeal lies from the decision of the first tribunal to some other tribunal and payment thereof is not made within such twenty days as last aforesaid, or such monition, hereinbefore mentioned, is not taken out within such twenty days, or such other proceedings, as are according to the practice of such other

Merchant Shipping Act.

tribunal, necessary for the prosecution of an appeal, are not instituted within such twenty days ; the Receiver may forthwith sell such ship, boat, cargo, apparel, or wreck, or a sufficient part thereof, and out of the proceeds of the sale, after payment of all expenses thereof, defray all sums of money due in respect of expenses, fees, and salvage, paying the surplus, if any, to the owners of the property sold or other the parties entitled to receive the same.

111. Subject to the payment of such expenses, fees, and salvage as aforesaid, the owner of any wreck, who establishes his claim thereto to the satisfaction of the Receiver within one year from the date at which such wreck has come into the possession of the Receiver, shall be entitled to have the same delivered up to him.

112. If no owner establishes his claim to wreck found at any place before the expiration of such period of a year as aforesaid, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and deducting therefrom his fees, and all expenses (if any) incurred by him, and paying to the salvors such amount of salvage as the Governor-in-Executive Committee may, in each case or by any general rule determine, pay the same into the Public Treasury, to a suspense account to be dealt with as Her Majesty shall direct.

113. Subject to the provisions of this Act, the Colonial Court of Admiralty of this Island shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed upon the high seas or within the body of the Island, or partly in one place and partly in the other, and whether the wreck is found at sea or cast upon the land, or partly in the sea and partly on land.

114. Every person who does any of the following acts, (that is to say) :—

(1.) wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded, or otherwise in distress, on or near the shore of any sea, or tidal water, or any part of the cargo, or apparel thereof, or any wreck ; or

(2.) endeavours in any way to impede or hinder the saving of such ship, boat, cargo, apparel, or wreck ; or

Merchant Shipping Act.

(3.) secretes any wreck, or obliterates or defaces any marks thereon ;
 shall, in addition to any other penalty or punishment he may be subject to under this or any other Act or law, for each such offence incur a penalty not exceeding fifty pounds ; and every person, not being a Receiver or a person hereinbefore authorized to take the command in cases of ships being stranded or in distress, or not acting under the orders of such Receiver or person, who without the leave of the master endeavours to board any such ship, or boat, as aforesaid, shall for each offence incur a penalty not exceeding fifty pounds ; and it shall be lawful for the master of such ship or boat to repel by force any such person so attempting to board the same.

Voluntary agreement may be made which shall have the same effect as the bond mentioned in section 109.

115. Whenever services for which salvage is claimed have been rendered and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salvaged, upon the master or other person in charge thereof entering into a written agreement, attested by two witnesses, to abide the decision of the Colonial Court of Admiralty, and thereby giving security in that behalf to such amount as may be agreed on by the parties to the said agreement, such agreement shall bind the said ship and the said cargo and the freight payable therefor, respectively, and the respective owners of the said ship, freight, and cargo for the time being, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the said ship, cargo, and freight, respectively, to the extent of the security so given as aforesaid, and may be adjudicated upon and enforced in the same manner as the bond or other security hereinbefore mentioned.

Power for Admiralty Court to apportion salvage.

116. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in this Island has been finally ascertained and exceeds two hundred pounds, whatever such amount may be, then, if any delay or dispute arises as to the apportionment thereof, the Colonial Court of Admiralty may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just ; and may for that purpose, if it thinks fit, appoint any person to carry such apportionment into effect, and may compel any person, in whose hands or under whose control such amount may be, to distribute the same, or to bring the same into court, to be there dealt with as the court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit.

Merchant Shipping Act.

117. Whenever any article belonging to or forming part of any foreign ship, which has been wrecked on or near the coast of this Island, or belonging to or forming part of the cargo thereof, is found on or near such coast, or is brought into any port in this Island, the Consular Officer of the country to which such ship, or in the case of cargo, to which the owners of such cargo may have belonged, shall in the absence of the owner of such ship or article and of the master, or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody or disposal of such article.

In cases of wreck of foreign ships, Consular Officer to be deemed agent of owner.

PART VI.

MISCELLANEOUS.

118. Every Police Magistrate or other officer having jurisdiction in the case of seamen who desert from British merchant ships in this Island, on application being made by a Consul of a foreign power, or his deputy or representative, or by the Harbour and Shipping Master or his chief clerk shall aid in apprehending any seaman or apprentice who, without just cause, deserts from any merchant ship belonging to a subject of such power, and may for that purpose, upon complaint on oath duly made, issue his warrant to be directed to any police officer for the apprehension of any such deserter, and upon due proof of the desertion without just cause order him to be conveyed on board the vessel to which he belongs, or be delivered to the master of such vessel, or to the owner of such vessel or his agent, to be so conveyed; and thereupon it shall be lawful for the person ordered to convey such deserter, or for the master or mate of such vessel or the owner or his agent (as the case may require), to convey him on board accordingly.

Apprehension of deserter belonging to foreign merchant vessel.

119. The consignee of the vessel from which such person shall have deserted shall pay into the Treasury the sum of one pound for each deserter who shall be apprehended, and in case of non-payment it shall be lawful for the Treasurer of this Island to recover the same in a summary way before a Police Magistrate.

Payment for apprehension.

120. Nothing in this part of this Act contained shall affect any rights of any foreign power or state with which Her Majesty may have entered, or may hereafter enter, into any treaty under the provisions of section two hundred and thirty eight of the Imperial Merchant Shipping Act 1894.

Proviso.

Merchant Shipping Act.

Persons conceal-
ing a seaman
deserted from a
merchant vessel
or assisting
therein, liable to
a penalty of 10*l.*

121. Every person who shall harbour or conceal, or aid and assist in harbouring or concealing, any seaman belonging to any ship or other vessel in the merchant's service lying in any road or harbour within this Island, who shall have deserted or absented himself, and shall be thereof convicted before any Police Magistrate, shall be liable to a penalty not exceeding ten pounds.

A seaman not
liable to any
arrest &c., for a
debt contracted
during his
desertion with
the person har-
bouring him &c.

122. No seaman shall be liable to any arrest, action, or other prosecution, by writ, warrant, or otherwise, for or by reason of any debt or engagement contracted or entered into during the time of his desertion with the person so harbouring or concealing him, or with any other person having notice that he was at the time deserted from his ship or vessel: but all such debts and contracts shall be adjudged and they are hereby declared to be void to all intents and purposes.

Recovery of
penalties.

123. Where not otherwise provided for all penalties under this Act may be recovered in a summary manner before a Police Magistrate on the complaint of any person, and shall be paid one half to the complainant, and the other half into the Treasury to the credit of the general revenue.

An Act to authorize the Vestry of the parish of St. Michael to purchase a Freehold Building for Parochial Purposes.

[27 October 1898.]

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the Saint Michael's Parochial Buildings (Purchase) Act, 1898.

Vestry
authorised to
purchase free-
hold building.

2. (1.) For the purpose of providing office and other accommodation for the various parochial boards and their officers and servants, the Vestry of the parish of Saint Michael are hereby authorised and empowered to acquire and purchase a suitable freehold building with its site and appurtenances in the City of Bridgetown, and have the same conveyed to them in such manner as may seem to

Saint Michael's Parochial Buildings (Purchase) Act.

them most advisable, in order that the property so purchased may be duly secured for the uses of the said parish.

(2.) The Vestry may if they think fit acquire such property under the powers and subject to the obligations conferred and imposed by the Compulsory Powers (Land) Act, 1888.

(3.) On the said property being acquired, the Vestry may out of the rates raised and levied by them for the current parochial year repair all buildings thereon and enclosure walls belonging to the same, and may make all necessary and proper additions alterations and improvements to such buildings, or any of them, in order that such property may be rendered fit and suitable for the purposes for which the same is intended.

(4.) The money to be expended by the Vestry under this section shall not exceed the sum of one thousand pounds.

3. The Vestry are hereby authorized and empowered to lay a rate at the same time that the annual rates are laid in the parish for the purpose of meeting the annual cost of the upkeep, repair, and insurance of the buildings on the property to be purchased by them under the authority of this Act. Rate authorised to be laid for annual cost of upkeep, &c.

4. (1.) The Vestry are hereby authorized and empowered to sell by public competition or private contract, at such price for cash as they shall think fit, any portion of the fabric of any building on the property to be purchased by them under the authority of this Act, which may not be required for parochial purposes; and they may let to tenants any portion of the property not required for parochial purposes. Vestry authorised to sell or let any portion of building not required.

(2.) All sums received for purchase money or rent shall be used and applied by the Vestry, so far as the same will extend, for the purpose of this Act

1899—1.

Escheat Act.

1899—1.

An Act to consolidate the Acts of this Island relating to Escheat, to the Administration of the personal estate of persons dying Intestate and without Next of Kin, and to Casual Revenue of the Crown.

[12 January 1899.]

Be it enacted by the Governer, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short Title.

Short title. **1.** This Act may be cited as the Escheat Act 1899.

Escheat.

Escheat of real estate. **2.** Where a person dies without an heir and intestate in respect of any real estate consisting of any estate or interest, whether legal or equitable, in any incorporeal hereditament, or of any equitable estate or interest in any corporeal hereditament, whether devised or not devised to trustees by the will of such person, the law of escheat shall apply in the same manner as if the estate or interest abovementioned were a legal estate in corporeal hereditaments.

Court of Escheat, when and before whom to be held. **3.** The Court of Escheat shall consist of and be held by and before the Chief Justice twice at least in each year, that is upon the first Monday in June and the first Monday in November in each year at the Town Hall in Bridgetown, and shall continue from day to day except Sunday or any bank holiday until the business of the court is disposed of, and the said court shall at the conclusion of the business before it stand adjourned until the next court day in course : provided nevertheless that the Judge of the said court is hereby empowered, when he shall see occasion so to do, to hold a Court for the despatch of business on any intermediate day or days between any of the times hereinbefore appointed, and to continue the sittings of the said Court until such business is disposed of.

Queen's Solicitor to furnish the Chief Justice and Attorney General with cause list **4.** The Queen's Solicitor shall at least twenty one days before the sitting of such court send to the Chief Justice and Attorney General respectively two lists of the cases to be investigated at the ensuing Court of Escheat and a

Escheat Act.

short statement of the facts in each case and of the names and short statement of facts of each case.
and descriptions of the witnesses to be called.

5. Notice of the intention to hold an inquest of escheat and of the day, hour, and place of holding such inquest, shall be affixed to or left with some person on the premises respecting which enquiry is to be made one month before the holding of the inquest. Notice of intention to escheat real estate, when and how to be served.

6. In all cases of escheat to the Crown it shall be lawful for the Chief Justice to issue his precept in the form set forth in the schedule hereunto annexed to the Provost Marshal, to summon a jury of twenty four persons, any twelve of whom shall be sufficient to constitute a jury to inquire of such escheat, and the Provost Marshal shall thereupon summon any twenty four persons competent and qualified in like manner as jurors qualified to serve on a jury in the Court of Common Pleas, and he shall immediately thereafter return such precept to the Chief Justice with the names of the persons summoned indorsed thereon certified under his hand. Chief Justice to summon a jury in all cases of escheat to the Crown.

7. Every person duly summoned and returned to serve upon any jury for the trial of any cause to be tried in the Court of Escheat holden within this Island, who shall not appear in obedience to any such summons, after being openly called in court three times, or offer some sufficient excuse for his absence, or shall depart from the said court during the sitting of the same without leave of the said court, shall forfeit and pay to Her Majesty, her heirs and successors, the sum of ten pounds for which execution, to be directed to the Provost Marshal of this Island or his lawful deputy, shall issue under the hand of the Chief Justice, and be levied and be paid into the Public Treasury for the uses of this Island: provided always that it shall be lawful for the said Chief Justice at any time during the sitting of any such court, or at, or previous to the holding of the next ensuing court, to remit such fine, if he shall see fit to do so. Penalty on non-appearance of jurors in case of insufficient excuse for absence. Power to Chief Justice to remit fine.

8. It shall be lawful for the Chief Justice to summon all such witnesses as he may consider necessary to attend at any inquest of escheat, and to enforce the attendance of such witnesses, if necessary, by warrant under his hand directed to the Provost Marshal; and such summons and warrant respectively may be in the form set forth in the schedule hereunto annexed, and it shall also be lawful for the said Chief Justice to administer to the jury and witnesses the Power to Chief Justice to enforce attendance of witnesses to administer oaths &c.

Escheat Act.

oaths severally in that behalf set forth in the said schedule, and to adjourn the inquiry from day to day, if necessary, until the conclusion thereof.

Claimant to title to appear before Chief Justice.

9. It shall be lawful for any person, claiming title to the premises respecting which inquiry is to be made, to appear and give evidence in support of such claim before the Chief Justice at any inquest held under this Act.

Proceedings at inquest to be according to the schedule.

10. The form of inquisition and the finding of the jury on any inquest of escheat shall be in the form set forth in the schedule hereunto annexed, and shall be returned immediately thereafter under the signatures of the Chief Justice and of the jurors respectively into the office of the Colonial Secretary.

Casual Receiver to take possession of escheated property.

11. After the finding on any inquest in favour of the Crown it shall be lawful for the Casual Receiver to seize and to proceed to a sale of the property escheated unless a grant thereof has been previously made by the Governor-in-Executive Committee, and the proceeds thereof after payment of all fees and lawful expenses thereout shall be paid and applied as provided by this Act.

Governor-in-Executive Committee may make a grant of escheated property.

12. The Governor-in-Executive Committee may on being satisfied of the expediency of dispensing with the sale of any escheated property direct a transfer of the whole or any part thereof to any person or persons who shall to the satisfaction of the Governor-in-Executive Committee establish a legal, equitable, or moral claim thereto on the condition of such person or persons paying all fees and expenses lawfully incurred in connection with the escheat of such property previously to such transfer being made.

Casual Receiver to pay taxes on escheated property.

13. It shall be obligatory on the Casual Receiver of any houses and lands which have been escheated to the Crown to pay out of the proceeds of sale of such lands and houses all parochial, highway, police, or other taxes due in respect of such houses or lands when they were escheated, or which may accrue between the escheat and sale of such houses or lands, and any transfer under the provision of this Act shall be made subject to the payment of any such taxes, including any such taxes which have been accrued between the escheat and transfer of any property.

No fees payable to Chief Justice or Attorney General.

14. The Chief Justice and the Attorney General shall not be entitled to any fees in respect of inquests of escheat.

*Escheat Act.**Limitation.*

15. No escheat shall be made by the Crown of any lands, tenements, or hereditaments whatsoever if any person or persons, or his, her, or their, or any of their ancestors or predecessors, or those from by or under whom they do or shall claim, have or shall have held or enjoyed the possession of such lands, tenements, or hereditaments, or taken the rents, issues, or profits thereof by the space of twenty years next before the holding of any inquest of escheat with regard to such lands, tenements, or hereditaments.

Liability of lands to escheat enforceable only within 20 years after it arises.

16. In reckoning the aforesaid period of twenty years, the period of the holding or enjoying of the possession of the said lands, tenements, or hereditaments, or of the taking of the rents, issues, or profits thereof by any person or persons may be reckoned along with the period of the holding or enjoying of the possession of such lands, tenements, or hereditaments, or of the taking of the rents, issues, and profits thereof by any of the ancestors or predecessors of any such person or persons, or by those from by or under whom such person or persons do or shall claim.

Period of 20 years how reckoned.

Disposition of Property liable to escheat.

17. (1.) Where in any action or other proceeding in the Court of Chancery or in the Assistant Court of Appeal (original jurisdiction) it appears to the court that Her Majesty is entitled to any hereditament, corporeal or incorporeal, or to any estate or interest, legal or equitable, therein, such court may, on the application, or with the consent of the Attorney General, notwithstanding that no inquest has been found in favour of the Crown, order a sale of the hereditament, estate, or interest, and such portion of the net proceeds of any such sale as represents the interest of Her Majesty shall be paid into the Public Treasury, and may be disposed of under section twenty three of this Act.

Power of court to sell interest of Crown in real estate.

(2.) The several Acts and rules relating to the sale of hereditaments, corporeal or incorporeal, by the Court of Chancery or by the Assistant Court of Appeal, shall apply on any such sale as is mentioned in the last preceding subsection in like manner as if any estate or interest of Her Majesty comprised in the sale were vested in a subject.

18. Where a person dies without an heir and intestate in respect of all or any part of his real estate, whether his right of the

Power to waive his right of the

Escheat Act.

Crown in certain cases.

estate or interest therein is legal or equitable, and application is made to the Governor for the waiver of any right of Her Majesty in respect of such intestacy to such estate by or on behalf of any person to whom, or to a trustee for whom, the Governor-in-Executive Committee would, if Her Majesty's title had been duly found by inquisition, have power to grant such real estate, it shall be lawful for the Governor-in-Executive Committee to authorise the waiver of such right on such terms, whether for the payment of money or otherwise, as the Governor-in-Executive Committee may specify, and the Governor may convey to the person in whose favour such waiver is made the right of Her Majesty so waived: provided always that any person bringing an action to establish any claim to such real estate, or any part thereof, or any interest therein, shall be in the same position and have the same rights as if such waiver and conveyance had not been made: provided further that such waiver and conveyance shall bind the Crown only so far as the grantee from the Crown and his heirs, executors, administrators, and assigns are concerned.

Definition of intestacy.

19. Where any beneficial interest in the real estate of any deceased person, whether the estate or interest of such deceased person therein was legal or equitable, is, owing to the failure of the objects of the devise or other circumstances happening before or after the death of such person, in whole or in part not effectually disposed of, such person shall be deemed for the purposes of this Act to have died intestate in respect of such part of the said beneficial interest as is ineffectually disposed of.

Personal property of intestate dying without next of kin.

Recovery of personal estate of deceased person where administration granted to nominee of Crown.

20. Where the administration of the personal estate of any deceased person is granted to any person as nominee of the Crown, any action or other proceeding by or against such nominee for the recovery of the personal estate of such deceased person, or any share thereof, shall be of the same character, and be brought, instituted, and carried on in the same manner, and be subject to the same rules of law and equity (including the rules of limitation under the Statutes of Limitation or otherwise) in all respects as if the administration had been granted to such nominee as one of the next of kin of such deceased person.

Limitation on proceedings to

21. An information or other proceeding on the part of Her Majesty shall not be filed or instituted, and a petition

Escheat Act.

of right shall not be presented in respect of the personal estate of any deceased person, or any part or share thereof, or any claim thereon, except within the same time and subject to the same rules of law and equity in and subject to which an action for the like purpose might be brought by or against a subject.

recover personal estate by or from the Crown.

Casual revenue.

22. All casual revenue of the Crown (other than the droits of the Crown and droits of Admiralty), arising within this Island, shall form part of the general revenue of this Island, and shall be appropriable as part of such revenue to such public purposes as the Legislature shall from time to time think proper and direct.

Casual revenue with certain exceptions to form part of general revenue.

23. The Governor-in-Executive Committee may from time to time order the payment of any claim in respect of such casual revenues which upon legal, equitable, or moral grounds is established by any person to the satisfaction of the Governor-in-Executive Committee, and thereupon the Governor may issue his warrant to the Treasurer for payment of the same out of the general revenue of the Government: provided that when any order for payment of money shall be made by the Governor-in-Executive Committee to or in favour of any person or persons of illegitimate birth, to the amount of three hundred pounds sterling and upwards, it shall not be lawful for the Governor to issue his warrant to the Treasurer for payment to or in favour of any such person or persons without the sanction of the Legislature first obtained.

Orders for payment of claims to be made by Governor-in-Executive Committee, provided that when the order amounts to 300*l.* the Legislature shall be consulted.

24. If any person preferring a claim to any money becoming part of the general revenue pursuant to the provisions of this Act fails to prove his claim to the same, he may nevertheless present his summary petition to the Court of Common Pleas against the Attorney General as respondent thereto, and if he verifies his said claim by evidence, to the satisfaction of the said court, the court shall make such order in the premises, including any award of costs as justice shall require, and upon the application of such person or any other claimant or person or of the said Attorney General shall vary such order from time to time as may be deemed expedient, and shall certify the same to the Governor-in-Executive Committee, to the intent that the claimant may have relief in the premises according to such order.

Proceedings in Court of Common Pleas for preferring a claim.

Escheat Act.

Governor may execute a deed of transfer for real property in certain cases.

Such property to be held in the name of the Treasurer.

Transfer may however be subsequently made to parties establishing claims.

25. In any case where real property has by escheat become part of the general revenue of this Island, and by reason of any difficulty in procuring a sale for the same, or from any other cause, such property cannot be or is not converted into money, the Governor may execute a deed of transfer thereof to the Treasurer in the form set forth in the schedule to this Act annexed, and such deed shall be registered in the Registration Office; and the property thereby transferred shall be held by the Treasurer and his successors for the public purposes of this Government, and shall be hereafter for that purpose let for hire, sold, or otherwise dealt with as the Governor may direct; provided however that the Governor as hereinbefore provided may from time to time, after the appropriation of such real estate for public purposes, direct a transfer of the whole or any part thereof, to be made to any person or persons who shall, to the satisfaction of the Governor-in-Executive Committee, establish a legal, equitable, or moral claim thereto, and thereupon a transfer shall be made in the form set forth in the schedule to this Act.

SCHEDULE.

Form of precept.

BARBADOS.

To the Provost Marshal or his lawful deputy.

These are to authorize and require you to summon twenty four good and lawful men of this Island to appear as a jury at the Court House in the city of Bridgetown, at o'clock on the day of
18 , to inquire touching certain property to which our Sovereign Lady the Queen hath become entitled by way of escheat as is alleged, and have you there and then the names of the jurors and this writ, according to the Act in that case provided.

Dated the day of 18

A. B.
Chief Justice.

Form of summons.

BARBADOS.

To the Provost Marshal of the said Island.

These are to authorize and require you to summon C.D., to be and appear as a witness at the Court House in the city

1899—1.

Escheat Act.

thereupon become the property of our Sovereign Lady the Queen, by way of escheat.

In witness whereof as well the said Chief Justice as the jurors aforesaid have hereto set their hands this
day of 18

A.B.
Chief Justice.

Signature of Jurors.

*Here state the cause of escheat as dying without heirs or disposing of the property or dying an alien.

Form of transfer to Treasurer.

BARBADOS.

I, A.B., Governor of Barbados by virtue of the Escheat Act, 1899, and on behalf of Her Majesty, do grant and transfer unto Treasurer of the Island of Barbados, and his successors in the said office, All (*here describe the property*) which premises have lately escheated to Her Majesty, to hold the same unto the said Treasurer as aforesaid, and to his successors in the said office, but upon trust to apply and dispose of the same for the public uses of the said Island of Barbados, and otherwise as directed by the said Act.

In witness whereof I the said Governor of this Island have hereunto set my hand and caused the great seal of the said Island to be affixed the
day of 18

Form of transfer to claimant.

BARBADOS.

I, A.B., Governor of Barbados, by virtue of the Escheat Act, 1899, on behalf of Her Majesty, do grant and transfer unto C.D., his heirs and assigns (*here describe the property*) which premises have lately escheated to her Majesty, to hold the same unto the said C.D., and to his heirs and assigns for ever.

In witness whereof I the said Governor of this Island have hereunto set my hand and caused the great seal of the said Island to be affixed the
day of 18

*Mines Regulation Act.**An Act to regulate Manjak and other Mines.*

[26th January 1899]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short Title.

1. This Act may be cited as the Mines Regulation Act, Short title. 1899.

General Rules.

2. The following general rules shall be observed, so far General rules. as is reasonably practicable, in every mine :

Rule 1. An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, and working places of the mine, and the travelling roads from and to those working places shall be in a fit state for working and passing therein. Ventilation of mines.

Rule 2. (1.) A competent person appointed by the owner, agent, or manager for the purpose shall, within two hours immediately before the commencement of each shift, inspect every part of the mine in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides and general safety, are concerned. Inspection of working parts of mine.

(2.) No workmen shall enter the mine until it has been so examined and stated by such competent person to be safe.

(3.) The inspection shall be made with a safety lamp.

Rule 3. A competent person appointed by the owner, agent, or manager for the purpose, shall, once at least in every twenty four hours while the mine is being worked or used, examine the state of the external part of the machinery, if any, the state of the guides or conductors in the shafts, the state of the head-gear, ropes, chains, and other similar appliances of the mine which are in actual use both above ground and below ground, and the state of the shafts by which persons ascend or descend, and shall without delay Inspection of machinery &c.

Mines Regulation Act.

make a true report of the result of such examination in a book to be kept at the mine for the purpose, and shall sign such report.

Withdrawal of workmen in case of danger.

Rule 4. If at any time it is found by the person for the time being in charge of the mine that the mine, or any part of it, is from any cause whatever dangerous, every workman shall be withdrawn from the mine, or the part thereof so found dangerous, and a workman shall not, except in so far as is necessary for enquiring into the cause of danger, or for the removal thereof, or for exploration, be re-admitted into the mine or part so found dangerous, until the same is stated by a competent person appointed to inspect not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Fencing of old shafts.

Rule 5. The top of every shaft which for the time being is out of use, or used only as an air shaft, shall be and shall be kept securely fenced.

Fencing of entrances to shafts.

Rule 6. The top, and all entrances between the top and bottom of every working, ventilating, or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations if proper precautions are used.

Securing of shafts.

Rule 7. Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure.

Securing of roofs and sides.

Rule 8. The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not so made secure. The distance between the props, where they are required, shall not exceed six feet.

Means of signalling for working shafts.

Rule 9. Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons shall be provided with proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in use between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface and the bottom of the shaft.

Chains.

Rule 10. A single linked chain shall not be used for lowering or raising persons in any working shaft or plane.

Mines Regulation Act.

Rule 11. All exposed and dangerous parts of the Machinery to be kept securely fenced. machinery used in or about the mine shall be and shall be fenced.

Rule 12. No person shall wilfully damage or without proper authority remove or render useless any fence, fencing, casing, lining, means of signalling, signal, cover, chain or appliance or thing provided in any mine in compliance with this Act, or any rule made under this Act. Wilful damage.

Rule 13. Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Act, or any rule made under this Act. Observance of directions.

Rule 14. The books mentioned in these rules, or in any rule to be made under this Act, shall be provided by the owner, agent, or manager, and any police constable or other person appointed by the Inspector General of Police may at all reasonable times inspect and take copies of and extracts from any such books; and all such books shall be kept by the owner, agent, or manager for six months after the books have ceased to be used for entries therein under this Act. Books and copies thereof.

Additional regulations.

3. The Governor-in-Executive Committee may make alter or amend such further rules as may be deemed necessary under this Act for the regulation of mining; and such regulations, when they have been sanctioned by both houses of the Legislature and published three times in the Official Gazette, shall have the force and effect of law. Regulations may be made by the Governor-in-Executive Committee.

Penalty.

4. Every person who contravenes or does not comply with any of the general rules under this Act, or any rule made by the Governor-in-Executive Committee under this Act, shall be guilty of an offence under this Act; and in the event of any contravention of or non-compliance with any of the said general rules, or any rule made by the Governor-in-Executive Committee, by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he proves that he Penalty on non-compliance with rules.

Mines Regulation Act.

had taken all reasonable means of publishing and to the best of his power enforcing the said rules, either general or made by the Governor-in-Executive Committee. as regulations for the working of the mine, to prevent such contravention or non-compliance.

Publication of rules.

Rules to be posted and kept posted at or near mine. 5. (1.) The owner, agent, or manager of the mine shall cause the general rules under this Act, and any rules made by the Governor-in-Executive Committee, to be posted up in legible characters in some conspicuous place at or near the mine where they may be conveniently read by the persons employed ; and so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch.

Penalty on non-compliance. (2.) In the event of any non-compliance with the provisions of this section the owner, agent, and manager shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by enforcing to the best of his power the observance of this section, to prevent such non-compliance.

Recovery of penalties.

Penalty for offences against this Act. 6. Every person who is guilty of an offence against this Act shall be liable to a penalty not exceeding, if he is owner, agent, or manager, twenty pounds, and if he is any other person, two pounds, to be recovered in each case in a summary manner before a Police Magistrate on the complaint of any person, and to be paid into the Public Treasury to the credit of the general revenue.

An Act to consolidate the Acts relating to the recovery of Small Debts.

[23rd August 1899.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

Short title.

1. This Act may be cited as the Petty Debt Act, 1899.

*Petty Debt Act.**Interpretation clause.*

2. In construing this Act or any future Act relating to the Petty Debt Courts, unless there is anything in the subject or context repugnant thereto, the several words hereafter mentioned shall have or include the meaning following:—

“person” shall include a body corporate or politic;

“Judge” shall mean the Judge of a Petty Debt Court;

“prescribed” shall mean prescribed by the Petty Debt rules for the time being;

“Court” shall mean a Petty Debt Court held under this Act;

“return day” shall mean the day appointed in any summons or proceeding for the appearance of the defendant or any other day fixed for the trial or hearing of any plaint.

PART I.

Courts, Judges, and Officers.

3. The several Police Magistrates presiding in the rural Petty Debt Courts of this Island shall be termed the Judges thereof; and they and the Judge of the Petty Debt Court for the City of Bridgetown shall have jurisdiction as is hereinafter provided.

Rural Police Magistrates
Judges of Petty Debt Courts.

4. The Governor shall from time to time appoint some fit and proper person to be the Judge of the Petty Debt Court of Bridgetown, and such Judge shall hold a court daily from the hour of ten of the clock in the forenoon to the hour of four of the clock in the afternoon, or on such days and during such hours as the Governor-in-Executive Committee may from time to time appoint. Provided always that it shall not be obligatory on the said Judge to hold a court on Good Friday, Christmas Day, Sundays, or any day appointed by proclamation for a public fast, humiliation, or thanksgiving, or at any time when there shall not be any business before his Court.

Governor to appoint Judge of Petty Debt Court of Bridgetown.
Sitting of Court to be daily.

Proviso.

5. The Judge of the Petty Debt Court of Bridgetown shall be paid the sum of four hundred pounds yearly.

Salary.

6. The Petty Debt jurisdiction of the parish of Saint Michael shall be vested in the Judge of the Petty Debt Court of the City of Bridgetown.

District of Petty Debt Court of Bridgetown.

Petty Debt Act.

Extended jurisdiction of Judge of Bridgetown Petty Debt Court.

7. Carlisle Bay, the Careenage, Pelican Island, and that part of the parish of Christ Church which lies to the west of a line drawn from the point where the parishes of Saint Michael, Saint George, and Christ Church touch each other, to the point where the entrance to Adam's Castle plantation joins the main road, and to the west of the road which joins this point with the main road from Bridgetown to Oistins, and to the west of a line drawn due south from this point to a pillar of stone to be erected near the sea shore by the Superintendent of Public Works, shall form part of the district within and throughout which the Judge of the Petty Debt Court of the City of Bridgetown has the jurisdiction of a Petty Debt Court Judge, and it shall be lawful to execute therein all writs of the said Court.

How actions to be brought where Judge is himself concerned.

8. Any Judge of a Petty Debt Court proposing to sue any person dwelling or carrying on business in any district of which he is the Judge may bring his action in the Petty Debt Court of any adjoining district, and any person proposing to sue a Judge may bring his action in the Petty Debt Court of any adjoining district.

Governor to appoint chief clerk of the Petty Debt Court of Bridgetown. His salary and securities.

9. The Governor shall appoint some fit and proper person to be the chief clerk to the Petty Debt Court of Bridgetown, at a salary of two hundred pounds per annum, to be paid from the Public Treasury on the warrant of the Governor-in-Executive Committee; and the clerk so appointed shall enter into bond to Her Majesty, her heirs and successors, in the sum of one thousand pounds, for the faithful discharge of the duties of his office and for the due accounting and payment of all moneys received by him as such chief clerk.

Chief clerk to be treasurer.

10. The chief clerk shall in addition to his other duties as clerk be the treasurer of the said Court, and he shall receive all moneys payable into the Bridgetown Petty Debt Court, account for, pay, and apply the same in accordance with the law.

Governor to appoint assistant clerk. Salary and securities.

11. The Governor shall appoint some fit and proper person to be the assistant clerk of the Petty Debt Court, at a salary of one hundred pounds per annum, to be paid from the Public Treasury on the warrant of the Governor-in-Executive Committee, and the said assistant clerk shall enter into bond to Her Majesty, her heirs and successors, in the sum of two hundred pounds, for the faithful discharge of the duties of his office and for the due accounting and payment of all moneys received by him.

Petty Debt Act.

12. The Governor shall appoint some fit and proper person to be the second assistant clerk of the Petty Debt Court of Bridgetown at a salary of fifty pounds per annum, to be paid from the Public Treasury on the warrant of the Governor-in-Executive Committee, and the said assistant clerk shall enter into bond to Her Majesty, her heirs and successors, in the sum of one hundred pounds, for the faithful discharge of the duties of his office, and for the due accounting and payment of all moneys received by him.

Governor to appoint second assistant clerk. Salary and securities.

13. The clerks to the Police Magistrates presiding in the rural Petty Debt Courts shall be the clerks of such rural Petty Debt Courts, and shall severally enter into bond to Her Majesty, her heirs and successors, in the sum of fifty pounds each, for the faithful discharge of the duties of their offices, and for the due accounting and payment of all moneys received by them under this Act.

Clerks to Police Magistrates to be clerks in rural Petty Debt Courts and to give security.

14. The clerk of every Court holden under this Act shall make a note of all plaints and summonses, and all orders, and of all judgments and executions, and returns thereto, and of all fines, and of all other proceedings of the court, and fairly enter the same from time to time in a book belonging to the Court, which shall be kept at the office of the Court; and such entries in the said book, or a copy thereof, signed and certified as a true copy by the clerk of the Court, shall at all times be admitted in all courts and places whatsoever as evidence of such entries, and of the proceedings referred to by such entry or entries, and of the regularity of such proceedings without any further proof.

Record book to be kept of all business by clerk.

And certified copy of entry in said book to be received in evidence.

15. If an action be brought by an officer of a Petty Debt Court in the Court of which he is an officer, the Judge shall, at the request of the defendant, order that the venue be changed, and that the cause be sent for hearing to the Court of some convenient district of which he is not the Judge; and the clerk of the first-mentioned Court shall forthwith transmit by post to the clerk of such last-mentioned Court a certified copy of the plaint as entered in the plaint-book, the duplicate copy of the summons and particulars served on the defendant, and a certified copy of the order for changing the venue, as entered in the minute book; and the Judge of such last-mentioned Court shall appoint a day for hearing, notice whereof shall be sent by post or otherwise by the clerk of such last-mentioned Court to both parties.

How action to be brought where officers of the Court are concerned.

Petty Debt Act.

- Where summons may issue. **16.** If an action be brought against an officer of a Petty Debt Court the summons may issue in the district of which he is an officer, or in any adjoining district, the Judge of which is not the Judge of the Court of which the defendant is an officer.
- Penalty for assaulting a writ officer in execution of his duty. **17.** If any officer or writ officer of any Court shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any goods levied under process of the Court, the person so offending shall be liable to a fine not exceeding five pounds to be recovered in a summary manner before a Police Magistrate, and paid into the Public Treasury for the uses of the Island.
- Judge may order officer to pay damages sustained by his negligence &c. **18.** In case any writ officer of any Court who shall be employed to levy any execution against goods and chattels shall, by neglect, or connivance, or omission lose the opportunity of levying any such execution, then upon complaint of the party aggrieved by reason of such neglect, connivance, or omission, (and the fact alleged being proved to the satisfaction of the Court on the oath of any credible witness), the Judge shall order such writ officer to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution issued, and the writ officer shall be liable thereto, and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the Court.
- Amount of such damages. **19.** If any clerk, writ officer, or other officer of any Court, acting under colour or pretence of the process of the said Court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, it shall be lawful for the Judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and to make such order thereupon for the repayment of any money extorted or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs as he shall think just; and also, if he shall think fit, to impose such fine upon the clerk, writ officer, or other officer, not exceeding ten pounds for each offence, as he shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.
- Mode of enforcing payment thereof. **20.** If any officer or writ officer of any Court shall be charged with not duly paying or accounting for any money levied by him under the authority of this Act, it shall be lawful for the Judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and to make such order thereupon for the repayment of any money so levied as aforesaid, and for the payment of such damages and costs as he shall think just; and also, if he shall think fit, to impose such fine upon the clerk, writ officer, or other officer, not exceeding ten pounds for each offence, as he shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

Petty Debt Act.

20. Every clerk, writ officer, or other officer employed in putting this Act, or any of the powers thereof, in execution who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever, other than and except such fees as are or shall be appointed and allowed respectively for or on account of anything done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon proof thereof before the Judge of the Court, and on allowance of the finding of the Judge by the Governor, be forever incapable of serving or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as in this Act before provided.

Officer guilty of exaction &c., shall be incapable of serving and be liable to damages.

21. No officer of a Petty Debt Court in executing any warrant of such Court, and no person at whose instance any such warrant shall be so executed, shall be deemed a trespasser by reason of any irregularity or informality in any proceedings on the validity of which such warrant depends, or in the form of such warrant, or in the mode of executing it, but the party aggrieved may bring an action for any special damage which he may have sustained by reason of such irregularity or informality against the party guilty thereof, and in such action he shall recover no costs unless the damages awarded shall exceed forty shillings.

No action for trespass to be against officer executing warrant except in special cases.

22. The Judge of every Petty Debt Court shall, at the close of each day's proceedings in the court, deliver to the clerk to be filed in his office, the adjudicated cases with award and costs distinctly stated in each, and it shall be the duty of such clerk to file the same.

Adjudicated cases to be filed at close of each day's proceedings.

23. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall, unless otherwise provided, be laid and tried in the district where the fact was committed, and shall be commenced within three months after the fact committed, and not afterwards or otherwise; and notice in writing of such action or prosecution, and of the cause thereof, shall be given to the defendant one month at least before the commencement thereof; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before action brought, or if after action brought a sufficient sum of money shall have been paid into Court with costs by or on behalf of the defendant.

Actions &c., where to be tried.

Notice in writing to be given to defendant. Plaintiff not to recover after tender of amends before action brought.

24. In any action commenced against any person for Production of

Petty Debt Act.

warrant sufficient proof of authority previous to issue of warrant.
Costs.

anything done in pursuance of this Act, the production of the warrant under the seal of the Court shall be deemed sufficient proof of the authority of the court previous to the issuing of such warrant, and in case the plaintiff shall have a verdict or judgment passed against him, be nonsuit, or discontinued, the defendant shall in any such case be allowed his costs.

PART II.

Jurisdiction and law.

Judges of Petty Debt Courts to have jurisdiction in actions of debt not exceeding £20, and in personal actions not exceeding £10.

25. The several Petty Debt Courts of this Island shall have jurisdiction in all actions of debt not exceeding twenty pounds, whether on balance of account or otherwise, and in all pleas of personal actions where the damage claimed is not more than ten pounds, and all such actions shall be tried in a summary way under this Act, and under the orders, rules, and regulations made under the authority of this Act; provided always that the said Court shall not have cognizance of any action of ejectment or in which the title to any corporeal or incorporeal hereditaments, or to any franchise, shall be in question, or in which the validity of any devise, bequest, or limitation under any will or settlement may be disputed, or for any malicious prosecution, or for any libel, or slander, or for criminal conversation, or for seduction or breach of promise of marriage.

Proviso.

Court may try actions for balance of debt not exceeding £20.

26: When the debt or demand claimed consists of a balance not exceeding twenty pounds, after an admitted set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the Court shall have jurisdiction to try such action.

PART III.

Procedure and trial.

Complaint to be entered by clerk of Court.

27. On the application of any person desirous to bring a suit under this Act, the clerk of the Court shall enter into a book, to be kept for this purpose in his office, a plaint in writing, stating the names and the last known places of abode of the parties, and the substance of the action intended to be brought, every one of which plaints shall be numbered in every year, according to the order in which it shall be entered; and thereupon a summons, stating the substance of the action and bearing the number of the plaint in the margin thereof, shall be issued according to such form,

Summons issued.

Petty Debt Act.

and be served on the defendant so many days before the day on which the Court shall be holden at which the cause is to be tried, as shall be directed by the rules made for regulating the practice of the Court as hereinafter provided; and delivery of such summons to the defendant, or in such other manner as shall be specified in the rules of practice, shall be deemed good service; and no misnomer or inaccurate description of any person or place in any such plaint or summons shall vitiate the same, so that the person or place be therein described so as to be commonly known.

28. Such summons may without leave of the Court Where summons may issue. being first obtained issue in any district in which the defendant, or one of the defendants, shall dwell or carry on his business at the time of the action brought; or, in case of debts, in the district in which the cause of action arose; or such summons may, by leave of the Court for the district in any case, issue in the Court for the district in which the defendant, or one of the defendants, shall have dwelt or carried on his business at some time within six calendar months next before the time of the action brought, or in which the cause of action arose.

29. Where a defendant shall be out of the Island and When plaintiff may proceed with action if defendant be out of the Island, or cannot be found. shall have no attorney on record authorised to be sued on his behalf, or where the place of residence in the Island of any defendant cannot be ascertained, the Judge may, upon an affidavit of the fact, direct the service of the plaint and summons to be effected within such time and in such manner as the Judge may think fit.

30. On the day named in that behalf in any summons Summary proceedings upon appearance of plaintiff and defendant. under this Act the plaintiff shall appear either in person or by agent, and thereupon the defendant shall be required to appear either in person or by his agent to answer such plaint; and an answer being made in Court, the Judge shall proceed in a summary way to try the case, and give judgment, without further pleading or formal joinder of issue, and shall take a note in writing of the facts given in evidence before him, and the note so taken shall in all cases of appeal be deemed part of the proceedings before him.

31. Subject to the power of amendment conferred by Evidence of claim stated in summons &c., only to be given by plaintiff on hearing. this Act, no evidence of any demand or claim shall be given by the plaintiff on the trial or hearing, except such as shall be stated in the summons or other proceeding under this Act directed to be issued or taken.

Petty Debt Act.

Plaintiff may not divide his cause in order to bring two suits but may abandon any excess in order to bring his action under this Act.

32. It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more suits in any of the said Courts, but any plaintiff having cause of action for more than twenty pounds in debt or more than ten pounds in other cause of action, for which a plaint might be entered under this Act, may abandon the excess, and thereupon the plaintiff shall on proving his case recover to an amount not exceeding twenty pounds in debt, and ten pounds in other causes of action; and the judgment of the Court upon such plaint shall be in full discharge of all demands in such cause of action, and entry of the judgment shall be made accordingly.

Defendant not to be allowed to set off any debt &c., without consent.

33. Subject to the power of amendment conferred by this Act, no defendant shall be allowed to set off any debt or demand claimed or recoverable by him from the plaintiff, or to set up by way of defence and to claim and have the benefit of infancy, coverture, or any statute of limitations, or of his discharge under any statute relating to bankrupts, without the consent of the plaintiff unless the prescribed notice thereof shall have been given to the clerk of the Court; and in every case in which the practice of the Court shall require such notice to be given, the clerk of the Court shall, as soon as conveniently may be after receiving such notice, communicate the same to the plaintiff by the post, or by causing the same to be delivered at his usual place of abode or business; but it shall not be necessary for the defendant to prove on the trial that such notice was communicated to the plaintiff by the clerk.

Affidavits how sworn.

34. An affidavit to be used in a Court may be sworn before any Judge without the payment of any fee or before any Justice of the Peace of this Island.

In respect of certain demands defendant to give notice of intention to defend on pain of judgment by default.

35. In any action brought in any Petty Debt Court for a debt or liquidated money demand, the plaintiff may at his option cause to be issued a summons in the ordinary form or a default summons in the form or to the effect given in the schedule to this Act, and if such last-mentioned summons be issued it shall be personally served on the defendant, and if the defendant shall not within six days after service of the summons, inclusive of the day of service, give notice in writing, signed by himself or his solicitor, to the clerk of the Court from which the summons issued, of his intention to defend, the Judge shall, at the expiration of such six days, upon an affidavit being filed in the office of the clerk sworn to before a Justice of the Peace of the due

Petty Debt Act.

service of such summons, enter up judgment against the defendant for the amount claimed and costs.

36. Where personal service cannot be effected, and the Court is satisfied by affidavit sworn to before a Justice of the Peace that reasonable efforts have been made to effect such service, and either that the summons has come to the knowledge of the defendant, or that he wilfully evades service of same, it shall be lawful for the Court to order that a copy of such summons shall be left at the last known place of abode of the defendant, and at the expiration of six days after such summons shall have been so left inclusive of the day of leaving the same, should the defendant not have given notice of his intention to defend as hereinbefore mentioned, the Court, upon proof by affidavit sworn before a Justice of the Peace of the summons having been left at the defendant's last known place of abode, shall enter judgment for the amount claimed and costs.

Proceedings where personal service of the default summons cannot be effected.

37. The order upon the judgment to be entered up under the last two preceding sections shall be for payment forthwith, or at such time or times, and by such instalments, if any, as the plaintiff or his attorney shall in writing have consented to take at the time of the entry of the plaint or of the judgment, and execution shall issue upon such judgment in the same manner as executions issuing upon judgments recovered in open Court.

Orders on judgment by default.
Execution of such judgments.

38. Where the defendant shall have given notice of defence the clerk shall, immediately upon the receipt of such notice, send a letter to the plaintiff by post stating therein that the defendant has given notice of his intention to defend, and shall send by post to both plaintiff and defendant notice of the day upon which he shall have fixed that the trial shall take place, at least six clear days before the day so fixed.

Proceedings where notice of defence is given.

39. The Judge of a Petty Debt Court may at all times amend all defects and errors in any proceeding in such Court, whether there is anything in writing to amend by or not, and whether the defect or error be of the party applying to amend or not; and all such amendments may be made with or without costs and upon such terms as to the Judge may seem fit; and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made, if duly applied for.

Power of Judge to amend proceedings.
With or without costs.

Petty Debt Act.

Proceedings
when plaintiff
does not appear.

40. If on the day of the return of any summons, or at any continuation or adjournment of the said Court or of the cause for which the said summons shall have been issued, the plaintiff or his agent shall not appear, the cause shall be struck out; and if he or his agent shall appear, but shall not make proof of the demand to the satisfaction of the Court, it shall be lawful for the Judge to non-suit the plaintiff or to give judgment for the defendant; and in either case, where the defendant shall appear and shall not admit the demand, to award to the defendant, in addition to costs, such further sums, not exceeding ten shillings, by way of satisfaction for his trouble and attendance, as the Judge in his discretion shall think fit; and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same Court can be recovered, and from any such award for costs and satisfaction to a defendant as aforesaid an appeal shall lie as in the case of any other judgment of the Court; provided always that if the plaintiff or his agent shall not appear when called upon, and the defendant or some one duly authorized on his behalf shall appear and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the Court, if it shall think fit, may proceed to give judgment as if the plaintiff or his agent had appeared.

Proviso.

Proceedings
when defendant
does not appear.

41. If on the day so named in the summons, or at any continuation or adjournment of the Court or cause in which the summons was issued, the defendant shall not appear, or sufficiently excuse his absence, or shall neglect to answer when called in Court, the Judge upon due proof of service of the summons may proceed to the hearing or trial of the cause on the part of the plaintiff only, and the judgment thereupon shall be as valid as if both parties had attended; provided always that it shall be lawful for the defendant, if he shall think proper, to appeal as is hereinafter provided from such judgment to the Assistant Court of Appeal, and such Court shall be and is hereby authorized, on sufficient cause shown, to direct a new trial on such terms, as to payment of costs or giving security for the payment thereof and of the debt, as it may think fit.

Proviso.

Bankruptcy
of plaintiff not to
cause action to
abate.

42. The bankruptcy of the plaintiff in any action in any Petty Debt Court which the Official Assignee might maintain for the benefit of the creditors shall not cause the action to abate, but the same may be continued by the Official Assignee.

Petty Debt Act.

43. It shall be lawful for any executor or administrator to sue and be sued in any Court holden under this Act in like manner as if he were a party in his own right, and judgment and execution shall be such as in the like case would be given or issued in any superior court. Executor can sue and be sued.

44. It shall be lawful for any person under the age of twenty one years to prosecute any suit in any Court holden under this Act for any sum of money not greater than twenty pounds, which may be due to him for wages or piece-work, or for work as a servant, in the same manner as if he were of full age. Minor capable of suing.

45. Where any plaintiff shall have any demand recoverable under this Act against two or more persons jointly answerable it shall be sufficient if any of such persons be served with process; and judgment may be obtained and execution issued against the person or persons so served notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the Court; and every such person against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover in the Court contribution from any other person jointly liable with him. Process where persons jointly answerable.

46. Any person against whom a plaint shall be entered in any Petty Debt Court may, if he think fit, whether he be summoned upon such plaint or not, in the presence of the clerk or assistant clerk of the Court in which such plaint shall have been entered, or in the presence of a solicitor, sign a statement confessing and admitting the amount of the debt or demand, or part of the amount of the debt or demand for which such plaint shall have been entered, and such clerk or assistant clerk shall, as soon as conveniently may be after receiving such statement, send notice thereof to the plaintiff by the post or by causing the same to be delivered at his usual place of abode or business, and thereupon it shall not be necessary for the said plaintiff to prove the debt or demand so confessed and admitted as aforesaid, but the Judge of such Court at the next sitting of such Court, whether the parties or either of them attend such Court or not, shall upon proof by affidavit of the signature of the party, if such statement were not made in the presence of the clerk or assistant clerk, such affidavit being sworn to before a Justice of the Peace, proceed to give judgment for the debt or demand so confessed and admitted, in the same manner and Defendant may confess the debt sued for or any part thereof and judgment shall be entered for the sum confessed without further proof.

Petty Debt Act.

subject to the same conditions as if he had tried the cause, and given judgment thereupon under the provisions of this Act.

Plaintiff and defendant may agree as to amount of debt &c., and conditions of payment and judgment shall be entered up accordingly without further proof.

47. If the person against whom any claim shall be entered in any Petty Debt Court can agree with the person, on whose behalf such claim shall have been entered, upon the amount of the debt or demand in respect of which such claim shall have been entered, and upon the terms and conditions upon which the same shall be paid or satisfied, it shall be lawful for such persons respectively in the presence of the clerk or assistant clerk of the Court in which such claim shall have been entered, or in the presence of a solicitor, to sign a statement of the amount of the debt or demand so agreed upon between such persons respectively, and of the terms and conditions upon which the same shall be paid or satisfied, and such clerk or assistant clerk shall receive such statement and shall thereupon, upon proof by affidavit of the signature of the party, if such statement were not made in the presence of the clerk or assistant clerk, such affidavit being sworn to before a Justice of the Peace, enter up judgment for the plaintiff for the amount of the debt or demand so agreed on, and upon the terms and conditions mentioned in such statement, and such judgment shall to all intents and purposes be the same, and have the same effect, and shall be enforced and enforceable in the same manner, as if it had been a judgment of the said Court.

Arbitration in certain cases.

48. The Judge may in any case, with the consent of both parties to the suit, order the same, with or without other matters within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration to such person or persons, and in such manner, and on such terms as he shall think reasonable and just; and such reference shall not be revocable by either party except by consent of the Judge; and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents as if given by the Judge; provided that the Judge may, if he think fit, on application to him at the first Court held after the expiration of one week after the entry of such award, set aside any such award so given as aforesaid, or may with the consent of both parties as aforesaid revoke the reference, or order another reference to be made in the manner aforesaid; provided that it shall be competent for either party to appeal to the Assistant Court of Appeal from any such award entered as the judgment of the Court, just as in the case of the judgment of any Magistrate.

Petty Debt Act.

49. Where a judgment has been obtained in a Petty Debt Court the Judge may order the amount of such judgment and the costs to be paid at such time or times, and by such instalments, if any, as he shall think fit, provided the whole time allowed shall not exceed six months. Judge may grant time.

50. It shall be lawful for the defendant in any action brought under this Act, within such time as shall be directed by the rules made for regulating the practice of the Court, to pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment; and notice of such payment shall be communicated by the clerk of the Court to the plaintiff by post or by causing the same to be delivered at his place of abode or business, and the said sum of money shall be paid to the plaintiff; but if he shall elect to proceed, and the plaintiff shall recover no further sum in the action than shall have been so paid into Court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment; and such costs shall be settled by the Court, and an order shall thereupon be made by the Court for the payment of such costs by the plaintiff. Defendant may pay money into Court in satisfaction of demand.

51. Either of the parties to the suit or any other proceeding under this Act may obtain, at the office of the clerk of the Court, summonses to witnesses to be served by one of the writ officers of the Court with or without a clause requiring the production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted Summons how obtained for witnesses, writings &c.

52. Every person on whom any such summons shall have been served either personally or in such other manner as shall be directed by the general rules or practice of the Courts, and to whom at the same time payment or a tender of payment of his expenses shall have been made on such scale of allowance as shall for the time being be in force under this Act, and who shall refuse or neglect, without sufficient cause, to appear or to produce any books, papers, or writings required by such summons to be produced, and also every person present in Court who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine not exceeding fifty shillings as the Judge shall set on him; and the whole or any part of such fine, in the discretion of the Judge, after deducting the costs, shall be applicable toward indemnifying Penalty on witnesses not appearing or producing books after summons and after tender of payment of expenses.

Petty Debt Act.

the party injured by such refusal or neglect, and the remainder thereof shall be paid into the Treasury for the uses of the public.

Judge may issue warrant for bringing up a prisoner to give evidence.

53. Any Judge of a Petty Debt Court may, upon application on affidavit by either party, such affidavit being sworn to before a Justice of the Peace, issue an order signed by him and under the seal of the said Court for bringing up before such Court any prisoner or person confined in any gaol, prison, or place under any sentence, or under commitment for trial or otherwise, to be examined as a witness in any cause or matter depending or to be inquired of or determined in or before such Court, and the person required by any such warrant or order to be brought before such Court shall be so brought under the same care and custody, and be dealt with in like manner in all respects, as a prisoner required by any writ of Habeas Corpus awarded by any of Her Majesty's Supreme Courts of Law to be brought before such Court to be examined as a witness in any cause or matter depending before such Court is now by law required to be dealt with; provided always that the person having the custody of such prisoner or person shall not be bound to obey such order unless a tender be made to him of a reasonable sum for the conveyance of a proper officer or officers and of the prisoner or person in going to and returning from such Court.

Costs of action not otherwise provided for to be apportioned by Judge.

54. All the fees and costs of any action or proceeding in the Court, not herein otherwise provided for, shall be paid by or apportioned between the parties in such manner as the Judge shall think fit; and in default of any special direction shall abide the event of the action, and execution may issue for the recovery of any such fees and costs in like manner as for any debt adjudged in the said Court.

Court may award costs where cause is struck out for want of jurisdiction.

55. Whenever an action or suit is brought in any Petty Debt Court which the Court has no jurisdiction to try, the Court shall order the cause to be struck out, and shall have power to award costs in the same manner, to the same extent, and recoverable in the same manner, as if the Court had jurisdiction in the matter of such plaint and the plaintiff had not appeared, or had appeared and failed to prove his demand.

Party suing in one court after obtaining judgment in the same

56. If any party shall sue another in any Petty Debt Court for any debt or other cause of action for which he hath already sued him and obtained judgment in any other

Petty Debt Act.

Court, the proof of such former suit having been brought and judgment obtained may be given, and the party so suing shall not be entitled to recover in such second suit, and shall be adjudged to pay the costs of such second suit to the opposite party.

matter in another shall not recover and shall pay defendant's costs.

PART IV.

Execution.

57. Whenever the Judge shall have made an order for the payment of money, the amount shall be recoverable in case of default or failure of payment thereof forthwith, or at the time or times and in the manner thereby directed, by execution under the hand and seal of the Judge against the goods and chattels, lands and hereditaments of the party against whom such order shall be made. The precise time when any application shall be made to the clerk of the Court to issue a warrant against a party shall be entered by him in the execution book and on the warrant; and when more than one warrant shall be delivered to the Provost Marshal or any writ officer to be executed he shall execute them in the order of the times so entered.

Order recoverable forthwith in default of payment by execution.

Time of application for warrant to regulate the order of the execution of the process.

58. In default of payment by the defendant of any sum of money awarded against him by a Judge, either as debt or damages, or of any instalment thereof, it shall be lawful for such Judge to issue a writ of execution against such defendant, which execution shall be in the form in the schedule annexed to this Act, and every officer executing such writ may by virtue thereof seize and take the moneys, bank notes, bills of exchange, promissory notes, specialties, goods, chattels and effects of the party against whom such execution shall issue (except the wearing apparel and bedding of such person, or of his family, and the tools and implements of his trade to the value of five pounds; which shall be to that extent protected from seizure). And if no moneys, bank notes, bills of exchange, promissory notes, specialties, goods, chattels and effects can be found sufficient to satisfy such execution, but it shall appear that the debtor has lands and houses, the writ officer shall endorse thereon a description of the lands, houses or other real estate, and return the writ into the Court.

Execution to issue, in default of payment.

Levy to be made on personal property.

Where no personal property, officer to endorse description of real.

59. The writ officer aforesaid shall deliver over to the clerks of the Courts any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money which shall have been so seized or taken as aforesaid, who

Writ officers to hand over certain securities to clerk of Court.

Petty Debt Act.

shall hold the same as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff; and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured or made payable thereby when the time of payment thereof shall have arrived.

Execution not to issue upon order of payment by instalment until default.

60. If the Judge shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue against the party until after default in payment of some instalment according to such order, and execution or successive executions may then issue for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as the Judge shall order, either at the time of making the original order or at any subsequent time.

Cross judgments

61. If there shall be cross judgments between the parties, execution shall be taken out by that party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum, and if both sums shall be equal, satisfaction shall be entered upon both judgments.

Manner of direction of execution issued for £10 and under.

62. In all cases in which judgment shall be given in any Petty Debt Court for a sum not exceeding ten pounds, the writ of execution to be issued thereon shall be directed in such manner as is provided by the rules in force for the time being relating to writ officers. And all writs of execution for a greater amount than ten pounds shall be directed to the Provost Marshal, and shall be executed by him in like manner as similar writs issuing out of the Court of Common Pleas.

And for more than £10.

Proceedings of writ officer entrusted with execution.

63. Any writ officer entrusted with any execution shall in all things conform with the provisions of the law for the execution of such writs by him and of the rules relating to writ officers.

Proceedings of Provost Marshal upon officer's return of writ.

64. When it shall happen that in consequence of any execution officer endorsing on the writ of execution that he cannot find any personal estate or effects of the debtor, but that he has land, and such execution shall subsequently be delivered to the Provost Marshal to be levied, and he shall

Petty Debt Act.

discover that the debtor is possessed of any personal property authorized to be taken by this Act, he shall attach the same and dispose of it in due course of law; and should the net proceeds be insufficient to satisfy such execution and the costs thereon, he shall then proceed to deal with any real estate which may be the property of the debtor, in satisfaction of what may remain due and owing on the execution.

65. In or upon every warrant of execution issued against any person whomsoever, the clerk of the Court shall cause to be inserted or endorsed the sum of money and costs adjudged, with the sums allowed by this Act as increased costs for the execution of such warrant; and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the Clerk of the Court out of which such warrant of execution has issued, or to the officer holding the warrant of execution, such sum of money and costs as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damage and costs, together with the fees herein directed to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

What shall appear on face of execution warrant.

PART V.

Rules, fees, fines, unclaimed money in court.

66. The Chief Judge of the Island may from time to time and as occasion shall require appoint from among the several Petty Debt Court Judges any number thereof, not less than three nor more than five, to frame rules and orders for regulating the practice of the said Courts and also forms of proceedings therein and a scale of fees to be taken on all proceedings in the said Courts in addition to or in substitution for any existing rules, orders, forms and scale of fees, and to amend any such existing rules, orders, forms and scale of fees or to effect either of the aforesaid purposes, and the Chief Judge may, if he shall think fit, fill up any vacancies in the number of Judges at any time so appointed which may after their appointment occur.

Chief Judge to appoint 3 to 5 Petty Debt Court Judges to frame rules &c.

67. All rules, orders and forms and scale of fees framed or amended by the Petty Debt Court Judges appointed as hereinbefore provided, shall, after they have been certified under the hands of such Judges or of any three or more of them, be submitted to the Chief Judge who may allow or

Rules &c., when made to be submitted to Chief Judge.

Petty Debt Act.

disallow or alter the same, and the rules, orders and forms and scale of fees or amended rules, orders and forms and scale of fees when so allowed or altered shall, from a day to be named by the Chief Judge, be in force in every Petty Debt Court.

And to be laid before the Legislature.

68. All rules, orders and forms and scale of fees framed or amended under the provisions of the two last preceding sections of this Act shall be laid before the Legislative Council and the House of Assembly within forty days after the making thereof, if the Legislature is then sitting, or if not, within forty days after the commencement of the then next ensuing session, and if an address is presented to the Governor by either house of Legislature within the next subsequent forty days on which the said house shall have sat praying that any such rule, order or form or scale of fees or special fee may be annulled, the Governor may thereupon by order in Executive Committee annul the same and the rule, order or form or scale of fees or special fee so annulled shall thenceforth become void and of no effect but without prejudice to the validity of any proceedings which may in the meantime have been taken under or in accordance with the same.

Fees according to schedule hereto.

69. Until a scale of fees shall be framed under the preceding sections of this Act the fees to be taken on proceedings in the said Courts shall be according to the scale of fees contained in the schedule appended to this Act.

How penalty to be enforced.

70. Payment of any fine imposed by any Court under the authority of this Act may be enforced upon the order of the Judge in like manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

Clerk to enter all moneys in his cash book.

71. All moneys coming to the hands of the clerks of the Petty Debt Courts in the course of the business of the Court shall be entered in a book to be kept for the purpose, distinct from the plaint book, to be called the cash book, and ruled to show the number of the plaint on which each several sum is paid, with the folio of such plaint in the plaint book—the entry showing whether the payment is made by plaintiff or defendant, and whether for fees on process into court, award, or costs, as the case may be.

Officers to pay proceeds of executions at next sitting of Court

72. All moneys coming to the hands of any writ officer of the Petty Debt Courts being the proceeds of executions shall be paid by him to the chief clerk, or clerk—as the case

Petty Debt Act.

may be—of the Petty Debt Court from which such execution after receipt of issued, at the next sitting of the Court after the receipt of such moneys. such money, under a penalty not exceeding twenty pounds Penalty. on each execution, to be recovered in a summary manner before a Police Magistrate.

73. Besides the general account of money received in Suitors' money. the course of business by the several clerks of the rural Courts and the chief clerk of the Petty Debt Court of Bridgetown a distinct account shall be kept by such clerks of suitors' money in a separate book, in which accounts shall be entered of all moneys coming to their hands belonging to suitors, and all moneys paid out by them to the parties respectively entitled thereto.

74. The clerks of the several rural Courts, and the chief Clerk of the Bridgetown Petty Debt Court shall account once a month, or oftener if required, with the Judge for all moneys which have been received by them under this Act, and the Judge is empowered to call for and examine the plaint book, and all other books and papers in any way relating to the business of the Court which he shall consider necessary to the elucidation of such accounts, and the proper checking thereof. Clerks to account to Judge once a month.

75. All the suitors' money in the hands of the several clerks of the rural Courts and the chief clerk of the Bridgetown Petty Debt Court not drawn within three months shall then be paid over by them and him to the Colonial Treasurer, to an account to be styled "Petty Debt Courts Money Account," and such moneys shall then be only payable by order of the Judge; and all moneys remaining unclaimed after six years shall be transferred by the Treasurer to the account of the general revenue. Suitors' money not called for to be paid over quarterly to Treasurer.

76. It shall be lawful for the Governor, on the representation of the Judge of any Petty Debt Court, to admit a plaintiff to sue in formâ pauperis. Suits in formâ pauperis.

77. The Judge of the Petty Debt Court of Bridgetown shall not be required to reside within the limits of Bridgetown. Residence of Judge.

PART VI.

Miscellaneous provisions.

78. The Judge may in any case make orders for grant- Judge may grant

Petty Debt Act.

time for conduct of suit. ing time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may from time to time adjourn any Court, or the hearing or further hearing of any cause in such manner as to the Judge may seem fit.

Executions to bear interest except where otherwise ordered and in respect of real estate to be in force 20 years.

79. All writs of execution issuing from the Petty Debt Courts of this Island shall, except where otherwise ordered bear interest from the date of judgment, and shall in respect of real estate continue in force for twenty years from such date, or from the date of the last payment made on account thereof, or from the date of any written acknowledgment made in respect thereof, as the case may be, and such execution shall as against purchasers for valuable consideration, mortgagees, or creditors, bind real estate only from the date the same shall have been lodged in the Provost Marshal's Office of the said Island.

Subject as herein mentioned fees to be according to schedule hereto.

80. Subject and without prejudice to the powers conferred by sections sixty six sixty seven and sixty eight of this Act, and to any scale of fees claimed thereunder in all cases of suits for the recovery of petty debts, and for actions for damages, the scale of fees to be taken in all cases where the sum claimed shall not be beyond ten pounds, shall be the fees specified in the schedule hereunto annexed, and in all cases where the debt shall be in excess of ten pounds, the fees to be taken shall be twice the amount that is chargeable where the debt does not exceed ten pounds. The Provost Marshal shall be entitled to charge on executions issued from the Petty Debt Courts, and to demand and receive in advance, where it shall be necessary to proceed to the appraisalment of real estate, the expenses to be incurred for cab-hire and advertising, and also a fee of ten shillings, which latter fee shall be in full of appraisements, sale, and all other matters in connection therewith, and shall be deducted by him from the proceeds of any property or effects attached under any execution, and such fee shall be payable whether he shall attach real property or personal estates. Only the actual expenses incurred shall be charged for keeping possession of goods for sale, removal, or storage, and in cases of dispute the amount shall be fixed by appraisalment.

Expenses of Provost Marshal to be deducted from proceeds of property attached.

Petty Debt Act.

SCHEDULE A.

SCALE OF FEES FOR PETTY DEBTS

On all claims not exceeding £10.

	S	D
For every summons	1	0
For hearing	1	0
For execution... ..	2	0
For executing a summons within the jurisdiction	1	0
For executing a summons out of the jurisdiction	2	0
For summoning each witness, if in the jurisdiction	1	0
If out of the jurisdiction	2	0
On all claims over £10 the above scale of fees shall be double.		

No fee to be paid on application for a new trial.

An additional hearing fee shall be taken on every new trial.

Payment to witnesses.

Gentlemen, merchants, bankers, and professional men 5s. to 10s.

Tradesmen, accountants, clerks, and yeomen 2s. 6d to 5s.

Artisans and journeymen 1s. to 2s. 6d.

Labourers 1s.

Travelling expenses, a reasonable sum, but not more than 6d. per mile one way.

SCHEDULE B.

(FORM OF EXECUTION.)

BARBADOS.

Victoria by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c.

To Greeting

We command you to attach any of the moneys, bank notes, bills of exchange, promissory notes, bonds, specialties, or securities for money, goods, chattels, and effects, of what nature and kind soever (except the wearing apparel and bedding of the debtor or of his family; and the tools and implements of his trade, if any, to the value of five pounds), wheresoever any such property may be found belonging to of the parish of

and Island abovesaid, and deal with the same according to the two several Acts of this Island, entitled the District

Petty Debt Act.

Auctioneer's Act, 1904, and the Petty Debt Act, 1899, for and towards payment of the sum of pounds shillings and pence, current money of our said Island, due to of the said according to a judgment obtained against the said before Esquire, Judge of the Petty Debt Court, for the being for and the further sum of pounds shillings and pence, for costs and charges, as endorsed on the back hereof; but if you cannot find any moneys, &c., and shall find any lands, houses, or other real estate belonging to the said you shall return this writ into the Petty Debt Court for the (first endorsing thereon a description of the lands, houses, or other real estate), for the guidance and information of the Provost Marshal of this Island; and we do hereby command such Provost Marshal to attach and dispose of the same, or of any other personal or real estate of the said which he may levy on under any of the provisions of the Petty Debt Act, 1899, according to law, for and towards payment of the sum pounds shillings and pence.

Hereof fail not.

Dated this day of and in the year of our reign.

Teste,

Judge.

SCHEDULE C.

Summons to obtain judgment by default on personal service.

No. of Plaintiff _____

IN THE PETTY DEBT COURT OF

holden at .

Between _____

_____ *Plaintiff.*

and _____

_____ *Defendant.*

Petty Debt Act.

	£	s	d	
<i>Claim</i> ..				Take notice that unless within six days after the personal service of this summons on you, inclusive of the day of such service, you return to the Clerk of this Court at the notice given below, dated and signed by you or your solicitor, you will not afterwards be allowed to make any defence to the claim which the plaintiff makes on you, as per margin; the particulars of which are hereto annexed; but the Court, without requiring any proof in support of such claim, will enter judgment against you. If you return such notice to the Clerk within the time specified, the Clerk will send you by post, notice of the day upon which the action will be tried.
<i>Fee of Plaintiff</i>				
<i>Total amount of debt and costs.</i>				

Dated this day of 18

To the defendant. *Clerk of the Court.**Notice of intention to defend or to object to the jurisdiction of the court.*

IN THE PETTY DEBT COURT OF

No. of Plaintiff _____

vs.

I intend to defend this cause (or to object to the jurisdiction of the Court.)

Dated this day of 18

*Defendant (a.)**(a.)* Here must be signed the name of defendant or of his solicitor, and in the last case the words—Solicitor for———must be added.

TO BE ENDORSED ON THE SUMMONS.

If you pay the debt and costs, as per margin on the other side, into the Clerk's office within six days after the service of the summons, and without returning the notice of intention to defend, you will avoid further costs.

Petty Debt Act.

If you do not return the notice of intention to defend, but allow judgment against you by default, you will *save half the hearing fee*, and the order upon such judgment will be to pay the debt and costs forthwith, or by instalments, *to be specified as in plaintiff's written consent.*

If you admit a part or any of the claim, you must return the notice of intention to defend within the time specified in the summons; and you may by paying into the Clerk's office at the same time the amount so admitted, together with the costs proportionate to the amount you pay in, avoid further costs, unless the plaintiff at the trial shall prove a claim against you exceeding the sum so paid.

If you intend to dispute the plaintiff's claim on any of the following grounds:—

1. that the plaintiff owes you a debt which you claim should be set off against it;
2. that you were under twenty one when the debt claimed was contracted;
3. that you were then or are now a married woman;
4. that the debt claimed is more than six years old;
5. that you have been discharged from the plaintiff's claim under a bankrupt Act;

you must in addition to the notice of intention to defend, give to the Clerk notice of such special defence; and such last-mentioned notice must contain the particulars required by the rules of the Court; and you must deliver to the Clerk as many copies of such notice as there are plaintiffs, and an additional copy for the use of the Court. If your defence be a set-off, you must, with the notice thereof, also deliver to the Clerk a statement of the particulars thereof. If your defence be a tender, you must pay into Court before or at the trial, the amount tendered.

An Act to reduce the Number of Strokes that may be inflicted upon an Offender who may be ordered to be Whipped or Flogged.

[28th November 1899.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Regulation of Whipping Act, 1899.

1899—4.

Regulation of Whipping Act.

2. Whenever any person may be ordered to be whipped or flogged by any court or person authorised by the law of this Island to order such whipping or flogging, the number of strokes to be inflicted shall not exceed twelve if the age of the offender does not exceed sixteen years, or twenty-four if the age of the offender exceeds sixteen years.

Limitation of the number of strokes.

1899—5.

An Act to facilitate and regulate the supply and use of Electricity for Lighting and other purposes.

[8th December, 1899.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited for all purposes as the Electric Light and Power Act, 1899.

Short title.

2. In this Act unless the context otherwise requires :—

Interpretation section.

“public purposes” means lighting any street or place belonging to or subject to the control of any local authority, or any church or place of worship, or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but does not include any other purpose to which electricity may be applied ;

“private purposes” includes any purposes whatever to which electricity may for the time being be applicable, not being public purposes, except the transmission of any telegram ;

“local authority” means the Vestry of the parish or any authority having municipal or administrative jurisdiction over and within the area for which any order, or special Act is sought to be obtained ;

“electricity” means electricity, electric current, electric energy, or any like agency ;

“electric line” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting or distributing electricity, with any casing, coating, covering, tube, pipe or insulator inclosing, surrounding or supporting the same, or any part thereof, or any apparatus

Electric Light and Power Act.

connected therewith, for the purpose of conveying, transmitting or distributing electricity ;

“works” means and includes electric lines, and also any buildings, machinery, engines, works, matters or things of whatever description, required to supply electricity and to carry into effect the object of the undertakers under this Act ;

“company” means any body of persons, corporate or unincorporate ;

“undertakers” and “undertaking” apply respectively to any local authority, company or person who may be authorized to supply electricity within any area and to every undertaking so authorized ;

“street” means a public way repairable at the expense of the Commissioners of Highways of the city of Bridgetown and includes the footpaths of such way and any bridge forming part thereof ;

“road” means a public highway for carriages repaired at the public expense and not being a street, and any bridge forming part thereof and also any land by the side and forming part of any public highway ;

“road authority” as regards all streets within the limits of the city of Bridgetown means the Commissioners of Highways of the city of Bridgetown, and as regards all roads not being streets within the limits of the city of Bridgetown means the Commissioners of Highways of the parish in which the roads are situate or any person appointed by them ;

“the Governor” means the Governor-in-Executive Committee ;

“telegraph” means a wire or wires used for the purpose of telegraphic or telephonic communication, or any other method of communication by means of electric signals with any casing, coating, tube or pipe enclosing the same, and any apparatus connected therewith for the purpose of such communication, and includes any apparatus for transmitting messages or other communications by means of electric signals.

“telegram” means any message or other communication transmitted or intended to be transmitted by means of electric signals.

“telegraphic line” means telegraphs, posts, and any work and also any cables, apparatus, pneumatic or other tube, pipe, or thing whatsoever used for the purpose

Electric Light and Power Act.

of transmitting messages or maintaining telegraphic communication, and includes any portion of a telegraphic line as defined by this Act.

3. The provisions of this Act shall apply to every local authority, company, or person who may by any provisional order granted under this Act, or by any special Act to be hereafter passed, be authorized to supply electricity within any area, and to every undertaking so authorized, except so far as may be expressly provided by any such special Act, and every such provisional order and special Act is in this Act included in the expression "order or special Act."

Application of
the Act.

4. The Governor may from time to time, by provisional order, grant to or authorize any local authority, company or person, the exclusive right to supply electricity for any public or private purposes within any area, and for such period, as the Governor may think proper, but subject to the following provisions :—

Granting of
provisional order
authorising
supply of
electricity.

(1) A provisional order shall be for any period not exceeding forty two years, but may, at or after the expiration of such order, be renewed from time to time for a like period, upon such terms and conditions as the Governor may determine; but any such order shall be of no force unless and until it is confirmed by Act.

(2) Every local authority, company, or person applying for a provisional order shall publish notice of their application by public advertisement in such manner and including such particulars as the Governor may from time to time direct or approve, and such order shall not be granted by the Governor until after the expiration of a period of three months from the date of the first publication of such advertisement, nor until opportunity has been given to all parties interested to make representations or objections to the Governor with reference to the application.

(3) No application for a provisional order shall be made by any local authority except in pursuance of a resolution to be passed at a special meeting of the local authority, and such special meeting shall only be held after three months' previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given.

(4) A provisional order may, subject to the provisions of this Act, be granted to a local authority authoriz-

Electric Light and Power Act.

ing them to supply electricity within any area, although the same or some part thereof may not be included within their own district.

(5) The provisional order may make such regulations as to the limits within which and the conditions under which a supply of electricity is to be provided, and for enforcing the performance by the local authority, company, or person, of their duties in relation to such supply, and for the revocation of the order where the local authority, company, or person, fail to perform such duties, and generally may contain such regulations and conditions as the Governor may deem expedient.

(6) Where in any area or part of an area in which any undertakers are authorized to supply electricity under any provisional order the undertakers are not themselves the local authority, the order may contain any provisions and restrictions for enabling the local authority, within whose jurisdiction such area or part of an area may be, to exercise any of the powers of the undertakers under this Act, with respect to the breaking up of any street repairable by such road authority within such area or part of an area, and the alteration of the position of any pipes or wires being under such street, and not being the pipes or wires of the undertakers, on behalf and at the expense of the undertakers, and for limiting the powers and liabilities of the undertakers in relation thereto, which the Governor may think expedient.

(7) No provisional order shall authorize the supply of electricity by any undertakers within the district of any local authority (not being themselves the undertakers) unless notice that such provisional order has been or is intended to be applied for has been given to such local authority by the applicants in such manner and for such time as the Governor may direct or approve.

(8) A provisional order may contain a power for the transfer thereof and the rights, powers, and obligations thereunder with the approval of the Governor, and the sanction of the Legislature; provided that no such transfer shall have any effect or validity unless it be made by deed or deeds and such deed or deeds shall have been recorded at the Registration Office of this Island.

(9) Any Act confirming any provisional order granted in pursuance of this Act may on the application of the undertakers thereby authorized to supply electricity be repealed, altered, or amended by any subsequent

Electric Light and Power Act.

provisional order granted by the Governor and confirmed by Act.

5. (1) The Governor may from time to time make, and when made may rescind, alter, or vary rules, including forms, in relation to applications for provisional orders, and to the payments to be made in respect thereof, and to the publication of notices and advertisements, and to the manner in which and the time within which representations or objections with reference to any application are to be made, and to the holding of local inquiries in such cases as he may think advisable, and to any other matters arising under this Act. Making of rules as to application, etc.

(2) All such rules shall be published in the Official Gazette and in one other newspaper of the Island, and shall be of the same force as if enacted in this Act and shall be judicially noticed.

(3) Any rules made in pursuance of this section shall be laid before the Legislature within three weeks after they are made, if the Legislature be then sitting, and if the Legislature be not then sitting, within three weeks after the beginning of the next session of the Legislature.

6. (1) The undertakers shall be subject to such regulations and conditions as may be inserted in any order or special Act affecting their undertaking with regard to the following matters:— Regulations to be inserted in provisional orders, etc.

(a) The limits within which and the conditions under which a supply of electricity is to be provided;

(b) The securing a regular and efficient supply of electricity;

(c) The securing the safety of the public from personal injury, or from fire or otherwise;

(d) The limitation of the prices to be charged in respect of the supply of electricity;

(e) The authorizing inspection and enquiry from time to time by the Governor and the local authority;

(f) The enforcement of the due performance of the duties of the undertakers in relation to the supply of electricity by the imposition of penalties or otherwise, and the revocation of the order, or special Act, where the undertakers have in the opinion of the Governor practically failed to carry the powers granted to them into effect within a reasonable time, or discontinued the exercise of such powers; and

Electric Light and Power Act.

(g) Generally with regard to any other matter in connection with the undertaking; provided that the Governor may with the approval of the Legislature from time to time make such regulations as he may think expedient for securing the safety of the public from personal injury or from fire or otherwise, and may from time to time amend or repeal any regulations which may be contained in any order or special Act in relation thereto; and any regulations so made or amended by the Governor, with the approval of the Legislature, shall, from and after the date thereof, have the like effect in every respect as though they had been originally inserted in the order, or special Act authorizing the undertaking, and every regulation so repealed shall, from and after the date thereof, be repealed accordingly, but such repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such repeal or any proceeding or remedy which might have been had in relation thereto.

(2) Any local authority within any part of whose district electricity is authorized to be supplied under order or special Act may, in addition to any regulations which may be made under the preceding provisions of this section for securing the safety of the public, from time to time make, rescind, alter, or repeal by-laws for further securing such safety; and there may be annexed to any breach of such by-laws such penalties as the local authority may think necessary: provided that no such by-laws shall have any force or effect unless and until they have been confirmed by the Governor, with the approval of the Legislature, and published in the Official Gazette.

Provisions to be incorporated with provisional order.

7. The following provisions shall be incorporated with and form a part of every provisional order made under the authority of this Act:—

(1) All electric lines placed above ground for electric lighting purposes shall be perfectly protected to the satisfaction of the Governor with the latest and most improved method of insulation, and whenever such insulation shall be found imperfect, defective, or worn, the imperfect, defective, or worn portion shall be at once repaired or replaced.

(2) The poles shall only be placed in such positions as shall be approved of by the road authority.

(3) The undertakers shall at their cost furnish the Barbados Telephone Company, Limited, with the necessary number twelve copper wire for a return metallic

Electric Light and Power Act.

circuit on such parts of their telephone system as may be interrupted by induction from any electric line.

(4) The undertakers shall at their cost furnish the Barbados Telephone Company, Limited, with fuse boxes of the latest and most improved principle, to be placed one at each end of every telephone wire that is crossed by an electric line, such fuse boxes to be of a nature to amply protect telephone wires in case of contact with the electric line. Provided always that if the undertakers shall supply electricity for any purpose other than lighting, the undertakers shall pay to the Barbados Telephone Company, Limited, so much of the expense incurred by them in counteracting the difficulties experienced by induction from the electric lines used for this purpose as may be allowed by arbitration.

(5) The undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connection is, for the time being, approved of by the Governor, and is made in accordance with the conditions, if any, of such approval; and such conditions shall have due regard to any existing use of earth connections for the purpose of telegraphic communications.

8. Any expense incurred by a local authority under this Act and not otherwise provided for, including any expense incurred in connection with the obtaining by such local authority, or any opposition to the obtaining by any other local authority, company, or person, of any order or special Act, may be defrayed out of any rates levied by such local authority or out of any moneys under their control. Expenses of local authority.

9. (1) The undertakers shall on or before the thirty-first day of March in every year fill up an annual statement of accounts of the undertaking made up to the thirty-first day of December then next preceding; and such statement shall be in such form, and shall contain such particulars and shall be published in such manner as may from time to time be prescribed in that behalf by the Governor. Accounts of undertaking

(2) The undertakers shall keep copies of such annual statements at their office, and shall sell the same to any applicant at a price not exceeding one shilling a copy.

Electric Light and Power Act.

(3) In case the undertakers make default in complying with the provisions of this section, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues: provided that if the undertakers are an incorporated company, it shall be deemed a sufficient compliance with this section if they lodge with the Registrar, and with the Clerk of the Assembly, certified copies of the annual report and statement of accounts submitted by the directors to a general meeting of the company within fourteen days after such meeting.

General powers of undertakers under order, etc.

10. The undertakers may, subject to and in accordance with the provisions and restrictions of this Act and of any rules made by the Governor in pursuance of this Act, and of any order or special Act authorizing or affecting their undertaking, and for the purpose of supplying electricity, acquire such lands by agreement, construct such works, acquire such licenses for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things, enter into such contracts, and generally do all such acts and things as may be necessary and incidental to such supply.

Power for local authority to contract in certain cases etc.

11. Any local authority who have obtained an order or special Act for the supply of electricity may contract with any company or person for the execution and maintenance of any works needed for the purposes of such supply, or for the supply of electricity within any area mentioned in such order or special Act, or in any part of such area, but no local authority, company, or person shall, by contract or assignment, transfer to any other company or person or divest themselves of any legal powers given to them, or any legal liabilities imposed on them by this Act or by any order or special Act, without the consent of the Governor.

Incorporation of certain enactments.

12. (1) The provisions of the following Acts shall be incorporated with this Act, that is to say:—

(a) The Compulsory Powers Land Act, 1888, except the enactments with respect to the purchase and taking of lands otherwise than by agreement, and except the enactments with respect to the entry upon lands by the promoters of the undertaking; and

(b) The provisions of the Gas Works Act 1908, with respect to breaking up of streets for the purpose of

Electric Light and Power Act.

laying pipes and with respect to waste or misuse of the gas or injury to the pipes and other works, except so much thereof as relates to the use of any burner other than such as has been provided or approved by the undertakers.

(2) For the purposes of this Act in the construction of all the enactments incorporated by this section, "the special Act" means this Act inclusive of any order or special Act, and "the promoters" or "undertakers" and "the undertaking," as the case may be, mean the undertakers and the undertaking respectively under this Act.

(3) In the construction of the said Compulsory Powers Land Act, 1888, "land" includes easements in or relating to lands.

(4) In the construction of the said Gas Works Act, 1908, the said Act shall be construed as if "gas" meant electricity, and as if "pipes" meant "electric line," and as if "works" meant works as defined by this Act, and as if "within the limits of the special Act" meant the area within which the undertakers are authorized to supply electricity under any order or special Act.

(5) All offences, forfeitures, penalties, and damages under the said incorporated provisions of the said Act, or any of them, may be prosecuted and recovered in manner by the said Acts respectively enacted in relation thereto.

13. Nothing in this Act or in the provisions of any Act incorporated therewith shall authorize or empower the undertakers to break up any street or road which is not repairable by the road authority, or any railway or tramway, without the consent of the road authority, company, or person by whom such street, railway, or tramway is repairable, except in pursuance of special powers in that behalf inserted in the order or special Act, or with the consent in writing of the Governor; and the Governor shall not in any case insert any such special powers in any provisional order, or give any such consent, until notice has been given to such local authority, company, or person by advertisement or otherwise as the Governor may direct, and an opportunity has been given to such road authority, company, or person to state any objections they may have thereto.

Restriction on breaking up of private streets, railways and tramways.

14. Notwithstanding anything in this Act or in the provisions of any Act incorporated therewith, the undertakers shall not be authorized to place any electric line above ground, along, over, or across any street without the express consent of the road authority, and the road

Restriction as to above ground works.

Electric Light and Power Act.

authority may require the undertakers to forthwith remove any electric line placed by them contrary to the provisions of this section, or may themselves remove the same, and recover the expense of such removal from the undertakers in a summary manner, and where any electric line has been placed above ground by the undertakers in any position a Police Magistrate, upon complaint made, if he is of opinion that such electric line is, or is likely to become, dangerous to the public safety, may, notwithstanding any such consent as aforesaid, make an order directing and authorising the removal of such electric line by such person and upon such terms as he may think fit.

Power to
undertakers to
alter position of
pipes and wires.

15. (1) Subject to the provisions of this Act and of the order or special Act authorizing them to supply electricity, and to any by-laws made under this Act, the undertakers may alter the position of any pipes or wires, being under or upon any street or place authorized to be broken up by them, which may interfere with the exercise of their powers under this Act, on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the undertakers and owners, or, in case of difference, as may be determined in manner prescribed by the provisional order or special Act authorizing the undertakers to supply electricity, or, where no such manner is prescribed, as may be determined by arbitration.

(2) Any local or other public authority, company, or person may in like manner alter the position of any electric line or works of the undertakers, being under or upon any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such local or other public authority, company, or person in relation to such street or place, subject to the like provisions, conditions, and restrictions as are in this section contained with reference to the alterations of the position of any pipes or wires by the undertakers.

Compensation
for damage.

16. (1) In the exercise of the powers in relation to the execution of works given them under this Act, or under any order or special Act, the undertakers shall cause as little detriment and inconvenience and do as little damage as may be, and shall make full compensation to all the bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers.

Electric Light and Power Act.

(2) In case of difference, the amount and application of such compensation shall be determined by arbitration.

17. (1) The undertakers shall not be entitled to prescribe any special form of lamp or burner to be used by any company or person, or in any way to control or interfere with the manner in which electricity supplied by them under this Act, and any order or special Act, is used. Provided that no local authority, company, or person, shall be at liberty to use any form of lamp or burner, or to use the electricity supplied to them for any purposes, or to deal with it in any manner, so as to unduly or improperly interfere with the supply of electricity supplied to any other local authority, company, or person by the undertakers. Undertakers not to prescribe special form of lamp or burner.

(2) If any dispute or difference arises between the undertakers and any local authority, company, or person entitled to be supplied with electricity under this Act, or under any order or special Act, as to the matters aforesaid, such dispute or difference shall be determined by arbitration.

18. Where a supply of electricity is provided in any part of an area for private purposes, then except in so far as is otherwise provided by the terms of the order, or special Act authorizing such supply, every company or person within that part of the area shall, on application, be entitled to a supply on the same terms on which any other company or person in such part of the area is entitled under similar circumstances to a corresponding supply. Obligation on undertakers to supply electricity.

19. The undertakers shall not, in making any arrangements for a supply of electricity, show any undue preference to any local authority, company, or person, but, save as aforesaid, they may make such charges for the supply of electricity as may be agreed upon, not exceeding the limits of price imposed by or in pursuance of the order or special Act authorizing them to supply electricity. Charges for electricity.

20. If any local authority, company, or person neglect to pay any charge for electricity or any other sum due from them or him to the undertakers in respect of the supply of electricity to such local authority, company, or persons, the undertakers may cut off such supply, and for that purpose may cut or disconnect any electric line Recovery of charges, etc.

Electric Light and Power Act.

or other work through which electricity may be supplied, and may, until such charge or other sum, together with any expenses incurred by the undertakers in cutting off such supply of electricity as aforesaid, is fully paid, but no longer, discontinue the supply of electricity to such local authority, company, or person.

Injuring work with intent to cut off supply of electricity.

21. Every person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off any supply of electricity shall be guilty of a misdemeanour, and being convicted thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provisions of this or under any other Act, or at Common Law, so that no person is punished twice for the same offence.

Stealing electricity.

22. Every person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses any electricity shall be guilty of simple larceny and be punishable accordingly.

Power of entry for ascertaining quantity of electricity consumed, etc.

23. Any officer appointed by the undertakers may, at all reasonable times, enter any premises to which electricity is or has been supplied by the undertakers, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the undertakers, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the undertakers are authorized to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the undertakers: provided that the undertakers shall repair all damage caused by such entry, inspection, or removal.

Electric lines etc., not to be subject to distress, etc., in certain cases.

24. When any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the undertakers are placed in or upon any premises not being in the possession of the undertakers for the purpose of supplying electricity under this Act or under any order or special Act, such electric lines, meters, accumulators, fittings, works, or apparatus shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, or to be taken in execution under any process of a court of

Electric Light and Power Act.

justice, or under any proceedings in bankruptcy against the person in whose possession the same may be.

25. (1) No alteration in any Government telegraph line shall be made by the undertakers without the express sanction of the Governor. Provision for protection of Government property, &c.

(2) The undertakers shall not in the exercise of the powers conferred by this Act or any order or special Act lay down any electric line or do any other work for the supply or use of electricity whereby any Government telegraph line or the pipes or other works of the Governor-in-Executive Committee, or of the Barbados Gas Company Limited, is or may be injuriously affected, and before any such electric line is laid down or any work is done within three yards of any part of the Government telegraph line or of the pipes or other works of the Governor-in-Executive Committee, or of the Barbados Gas Company Limited (other than the repairs or the laying of connections with mains where the direction of the electric lines so laid down crosses the Government telegraph line or the pipes or other works of the Governor-in-Executive Committee, or the Barbados Gas Company Limited, at right angles at the point of shortest distance and continues the same for a distance of six feet on each side of such point,) the undertakers or their agents shall not more than twenty eight nor less than seven clear days before commencing such work give notice in writing to the Governor, or the Barbados Gas Company, Limited, as the case may be, specifying the course and nature of the work including the gauge of any electric lines, and the undertakers or their agents shall conform with any reasonable requirements either general or special as may from time to time be made by the Governor, or the Barbados Gas Company Limited with the approval of the Governor, for the purpose of preventing any Government telegraph line or pipes or works of the Governor-in-Executive Committee or of the Barbados Gas Company Limited from being injuriously affected by the said work.

(3) Any difference with respect to any requirements so made which may arise between the Governor and the undertakers or their agents or between the Barbados Gas Company Limited and the undertakers or their agents shall be determined by arbitration.

(4) In the event of any contravention or of wilful non-compliance with this section by the undertakers or their agents, the undertakers shall be liable to a penalty not exceeding ten pounds for every day during which such

Electric Light and Power Act.

contravention or non-compliance continues or, if the telegraph communication or the supply of water or gas is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues, provided that nothing in this section shall subject the undertakers or their agents to a penalty under this section if they satisfy the court having cognizance of the case that the immediate execution of the works was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the Governor, or the Barbados Gas Company Limited, a notice in writing of the execution thereof stating the reason for executing the same without previous notice.

(5) For the purposes of this section a Government telegraph line or pipes or works of the Governor-in-Executive Committee or the Barbados Gas Company Limited shall be deemed to be injuriously affected by a work, if telegraph communication by means of such line, or water or gas supply by means of such pipes or works, is, whether by induction or otherwise, in any manner affected by such work or by any use made of such work.

Restrictions as
to placing of
electric line, etc.

26. (1) Where any electric line or other work may have been laid down or erected in, over, along, across, or under any street for the purpose of supplying electricity, or may have been laid down or erected in any other position for such purpose, in such a manner as not to be entirely enclosed within any building or buildings, or where any electric line or work so laid down or erected may be used for such purpose otherwise than under and subject to the provisions of an order or special Act, the Governor may if he thinks fit, by notice in writing to be served upon the authority, company, or person owning or using or entitled to use such electric line or work, require that such electric line or work shall be continued and used only in accordance with such conditions and subject to such regulations for the protection of the public safety and of the Government telegraph lines and works lawfully placed in any position and used for communication as the Governor may, by or in pursuance of such notice, prescribe; and in case of non-compliance with the said conditions or regulations, the Governor may require such authority, company, or person to remove such electric line or work; provided that nothing in this subsection shall apply to any electric line or work laid down or erected by any authority, company, or person for the supply of electricity generated upon any premises occupied by such

Electric Light and Power Act.

authority, company, or person to any other part of such premises.

(2) Where any electric line or other work is used for the supply of electricity in such a manner as to injuriously affect any Government telegraph line or to affect the communication through any such line, the Governor may, by notice to be served upon the authority, company, or person owning or using or entitled to use such electric line or work, require that such supply be continued only in accordance with such conditions and regulations for the protection of the Government telegraph lines and the communication through the same, as he may, by or in pursuance of such notice, prescribe, and, in default of compliance with such conditions and regulations, the Governor may require that the supply of electricity through such electric line or work shall be forthwith discontinued; provided that nothing in this subsection shall apply to the supply of electricity through any electric line or work laid down or erected under and subject to the provisions of any order or special Act which may be used in accordance with any conditions or regulations prescribed by the Governor by or in pursuance of any notice given by him under this section.

(3) If any authority, company, or person fail to comply with the requirements of any notice which may be served upon them or him under this section, such authority, company, or person shall be liable to a penalty not exceeding ten pounds for every such offence, and any Police Magistrate, on complaint made, may make an order directing and authorizing the removal of any electric line or work specified in such notice by such person and upon such terms as he may think fit.

(4) Any notice authorized to be served under this section upon any authority, company, or person may be served by the same being addressed to such authority, company, or person, and being left at or transmitted through the post to any office of such authority or company, or the usual or last known place of abode of such person, and any notice so served by post shall be deemed to have been served at the time when the letter containing the notice would be delivered in the usual course of post, and in proving such notice it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Electric Light and Power Act.

Purchase of
undertaking by
local authority.

27. (1) Where any undertakers are authorized by a provisional order or special Act to supply electricity within any area, any local authority within whose jurisdiction such area or any part thereof is situated may, within six months after the expiration of a period of forty-two years, or such shorter period as is specified in that behalf in the provisional order or special Act, from the date of the passing of the Act confirming such provisional order or of such special Act, and within six months after the expiration of every subsequent ten years or such shorter period as is specified in that behalf in the provisional order or special Act, by notice in writing require the undertakers to sell, and thereupon the undertakers shall sell to them their undertaking, or so much of the same as is within such jurisdiction, on terms of paying the then value of all lands, buildings, works, materials, and plant of the undertakers suitable to and used by them for the purposes of their undertaking within such jurisdiction, such value to be, in case of difference, determined by arbitration: provided that the value of such lands, buildings, works, materials, and plant shall be deemed to be the fair market value at the time of their purchase, due regard being had to the nature and then condition of such buildings, works, materials, and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same to the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance; but without any addition in respect of compulsory purchase of good-will, or of any profits which may or might have been or be made from the undertaking, or of any similar considerations.

(2.) The Governor may determine any other questions which may arise in relation to such purchase, and may fix the date from which such purchase is to take effect, and from and after the date so fixed, or such other date as may be agreed upon between the parties, all lands, buildings, works, materials, and plants, so purchased as aforesaid, shall vest in the local authority which have made the purchase freed from any debts, mortgages, or similar obligations of the undertakers or attaching to the undertaking, and the powers of the undertakers in relation to the supply of electricity under this Act or such provisional order or special Act as aforesaid within such area or part thereof as aforesaid shall absolutely cease and determine, and shall vest in the local authority aforesaid.

Electric Light and Power Act.

28. Notwithstanding anything contained in the last preceding section, the Governor may by any provisional order to be made by him under this Act, if he thinks fit, vary the terms upon which any local authority may require the undertakers to sell, and upon which the undertakers shall be required to sell, to such local authority their undertaking, or so much of the same as is within the jurisdiction of such local authority, under the said section, in such manner as may have been agreed upon between such local authority and the undertakers. Power to vary terms of sale.

29. Where any matter is by this Act, or by any order or special Act, directed to be determined by arbitration, such matter shall, except as may be otherwise expressly provided, be determined by an engineer or other fit person to be nominated as arbitrator by the Governor on the application of either party, and the expenses of the arbitration shall be borne and paid as the arbitrator may direct. Arbitration.

30. If at any time from bankruptcy or other cause the undertakers are unable to continue to supply electricity to any area for which they are authorized to supply electricity, it shall be lawful for the Governor to enter upon and take possession of all the works of the undertakers together with all wires and electric plant belonging thereto, and if he thinks fit, to maintain the same in working order for such time as may be necessary for the sale or other disposal of the same. Taking over and maintenance of undertaking in certain cases.

31. Nothing in this Act, or in any order or special Act, shall affect the exclusive privileges conferred upon the Governor by any Act for the time being in force relating to the Government telegraph, or authorize or enable any local authority, company, or person to transmit any message, or to perform any of the incidental services of receiving, collecting, or delivering messages, or to give to any local authority, company, or person any power, authority, or facility of any kind whatever in connection with the transmission of messages or the performance of any of the incidental services of receiving, collecting, or delivering messages. Saving of privileges.

32. All penalties imposed by or under this Act may be recovered under any Acts for the time being in force regulating procedure before Police Magistrates in the exercise of their summary jurisdiction and appeals from the decisions of Police Magistrates. Penalties and procedure.

1900—1.

Hurricane Loan Act.

1900—1.

An Act to consolidate the Acts of this Island making provision for granting Aid to the Owners of Plantations to enable them to restore the works and buildings which were damaged by the Hurricane of the 10th September, 1898.

[31 January 1900.]

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Hurricane (Loan) Act, 1900.

Interpretation.

Interpretation.

2. In this Act the word “owner” shall mean any person legally charged with the cultivation or the receipt of the rents and profits of any plantation, and shall include life tenants, persons entitled to other partial interests with limitations over, guardians of infants, committees of lunatics, trustees and executors if charged by the instrument appointing them with the cultivation or the receipt of the rents and profits of the plantation, and receivers appointed by any court of competent jurisdiction to take charge of, cultivate, and receive the rents and profits of any plantation.

The expression “the Colony” means the Colony of Barbados.

The expression “Treasury” means the Commissioners of Her Majesty’s Treasury.

The expression “Governor” means the person for the time being administering the Government of Barbados.

The expression “Crown Agents” means the person or persons for the time being acting as Crown Agents for the Colonies in England.

The Government of Barbados may borrow £50,000. [See 62 and 63 Vic. c. 36.]

3. The Government of Barbados may borrow from the Treasury a sum not exceeding fifty thousand pounds bearing interest at two and three quarters per centum per annum from the date on which the loan is made and repayable in twenty-three years from that date by twenty equal annual instalments commencing in the fourth year together with interest on so much thereof as shall for the time being remain unpaid.

Hurricane Loan Act.

4. The money to be borrowed under the authority of this Act shall be appropriated and supplied by way of loan as provided in section nine of this Act, and for no other purpose.

Appropriation of loan.

5. The principal money to be borrowed under this Act and the interest thereon are hereby charged upon and shall be payable out of the general revenue and assets of the Government of Barbados, with priority over any charges thereon not existing on the twenty first day of March, eighteen hundred and ninety nine.

Loan to be a charge upon general revenue.

6. The Governor shall in each year remit to the Crown Agents out of the general revenues of the Colony the amount required for the payment of the interest and the repayment of the yearly instalment of principal payable in that year, and shall make such remittance on such date as will enable the Crown Agents to pay over the amount to the Treasury on the date on which it falls due.

Mode of providing for payment of principal and interest.

7. In the event of any such payment not being made at its due date, interest on such payment shall be charged and payable at the rate of two and three quarters per centum per annum during the period during which such payment is in arrear.

Interest payable on sums in arrear.

8. The Crown Agents for the time being are hereby authorised to receive the money so borrowed from the Treasury, and to give such an acknowledgment on behalf of the Government of Barbados for the same as the Treasury may require and as may not be inconsistent with the terms of this Act.

Crown Agents authorized to receive the money borrowed from Treasury and give discharge.

Colonial loan to owners.

9. (1.) The Governor-in-Executive Committee is hereby authorised to lend from the said Imperial loan to the owner of any plantation which has sustained injury from the hurricane of the 10th September 1898, such sum, not less than fifty pounds, as may in the opinion of the Governor-in-Executive Committee be necessary for restoring the works and buildings of such plantation, or for replacing any live stock which may have been killed on such plantation by the hurricane.

Loans by Governor-in-Executive Committee.

(2.) The Governor-in-Executive Committee may grant a loan although the works and buildings, or live stock, respectively, have been restored or replaced prior to the

Hurricane Loan Act.

application for the loan, if satisfied that the sum asked for as a loan has been actually and properly expended in restoring works or buildings, or in replacing live stock, which had been damaged or destroyed by the hurricane.

(3.) The Governor-in-Executive Committee shall not grant a loan to replace obsolete machinery nor shall he grant any loan unless he is satisfied that the plantation is a sufficient security for the money advanced.

(4.) If any person shall apply any such loan in the payment of pre-existing liens against the plantation, or for any purpose other than that for which it was made by the Governor-in-Executive Committee, he shall, on conviction before a Police Magistrate, be liable to be imprisoned and kept to hard labour for any term not exceeding six months.

Rate of interest and terms of repayment of principal.

10. (1) Any sum lent by the Governor-in-Executive Committee under the provisions of the last section shall carry interest at the rate of three per centum per annum and shall be repaid in twenty equal annual instalments; the first instalment shall be paid at the expiration of the third year from the date of the loan, and a further instalment shall be paid in each succeeding year. If default shall be made in the payment of the annual interest, or of any instalment, the whole principal sum then unpaid shall become immediately payable without further demand, and may be recovered as hereinafter provided.

(2) The interest on, and instalments of, the loan shall be paid to the Colonial Treasurer, whose receipts, when countersigned by the Auditor General, shall be a sufficient discharge.

Special fund.

11. All sums to be received in respect of loans made by the Governor-in-Executive Committee and in respect of any property charged with the repayment of any such loan shall be set apart in the Colonial Treasury and shall form a special fund separate from the general revenues and assets of the Colony and shall be applied exclusively to the repayment of the principal and interest of the said Imperial loan.

Certificate of loan.

12. (1) On the making of a loan under the provisions of this Act a certificate of loan, in the form or to the effect set out in schedule A. to this Act, shall be executed in duplicate by the Governor-in-Executive Committee and by the owner. One of such certificates shall be given to the owner; the other shall be copied into a book to be kept

Hurricane Loan Act.

at the Registration Office and called the Hurricane Certificate Loan Book, and shall then be filed by the Registrar.

(2) A certified extract from the Hurricane Certificate Loan Book shall be received in evidence in all courts of law or equity in this Island. Certified copy to be evidence.

13. Every such certificate of loan shall constitute a specialty debt which shall be the first lien or charge against the plantation in respect of which the loan was made, and against the growing crops, produce, and live and dead stock of such plantation, and shall have priority over all remainders, reversions, limitations, mortgages, judgments, liens, charges or demands on or against such plantation either existing at the date of the loan or thereafter created, any law or statute to the contrary notwithstanding; and any objection that the person who obtained the loan, in respect of which the certificate was issued, was not legally authorised to obtain such loan and sign such certificate, shall not effect the validity of the certificate, or the priority of the loan. Priority of loan over other liens

Recovery of loan.

14. Any sum due on account of the loan to an owner may be recovered by proceedings in the Court of Chancery at the suit of the Attorney General, or by an execution to be issued by the Governor. Procedure for recovery of loan.

Proceedings in Chancery.

15. The Attorney General, on filing with the Registrar a certified copy of the certificate of loan and an affidavit by the Colonial Treasurer stating the sum due on account of the loan for principal and interest, and that default has been made in the payment of the principal, or principal and interest, as the case may be, shall be entitled to the appointment by the Court of Chancery of a receiver, and also to a decree directing the sale of the plantation, provided that he has left at the last known place of residence of the owner, or his agent, seven days' notice of his intention to apply for such decree. It shall not be necessary to make any person other than the Attorney General a party to the suit, nor shall interrogatories be administered, or any appearance or answer be entered or filed. Any person, who has obtained the permission of the Vice Chancellor, may appear at the hearing and defend the suit; but the costs of such appearance Certified copy of certificate of loan supported by an affidavit of the Colonial Treasurer shall be substituted for bill, answer &c.

Hurricane Loan Act.

and defence shall not be allowed unless the Vice Chancellor shall so order. The decree for sale shall be similar to an ordinary foreclosure decree, and shall be executed in every respect as an ordinary foreclosure decree is executed.

Writ of execution issued by the Governor to be executed as a writ from Court of Common Pleas.

16. (1) In lieu of proceedings in Chancery the Governor may issue a writ of execution in the form or to the effect in schedule B. to this Act, and the Provost Marshal shall execute such writ in the manner directed by and subject to the provisions of the Provost Marshal's Act and in all respects as if the writ had been issued by the Chief Judge of the Court of Common Pleas; provided always that the execution of the writ issued by the Governor shall not be liable to be stayed by the Court of Chancery, or any court, owing to a suit in such court by any person holding a lieu against the plantation affected by the writ of execution issued by the Governor, or for any cause.

(2) The Governor-in-Executive Committee, when issuing such execution, may omit the direction to attach either the growing crops, or the produce, or the live or dead stock, and may, after attachment, order the Provost Marshal to restore them, or any of them, and attach and sell the land only.

Regulations.

Regulations for guidance of Executive Committee in apportioning and advancing the loan.

17. The Governor-in-Executive Committee is hereby authorised to make regulations for his government in apportioning and distributing the money to be advanced and lent to owners under this Act; such regulations when they shall have been published in the Official Gazette shall have the force and effect of law.

Examination of applicants for loan.

Applicant may be examined on oath &c. and liable to be prosecuted for perjury if he shall give false evidence.

18. The Governor-in-Executive Committee may examine upon oath or affirmation (which oath or affirmation he is hereby authorised to administer) any person making application for a loan touching all matters and things as shall be necessary for the execution of the powers vested in the Governor-in-Executive Committee by this Act; and any person who shall upon such examination wilfully and corruptly give false evidence shall be liable on conviction to the penalties imposed by law on persons convicted of perjury.

Annual report by Auditor General

Annual report.

19. The Auditor General shall report annually, for the information of the Governor-in-Executive Committee, on the

Hurricane Loan Act.

position of the said Imperial loan and on the said loans to owners and on the said special fund.

20. All certificates executions and other documents issued or made under the authority of the Hurricane (Loan) Act 1899, shall be deemed to have been issued and made under the authority, and shall be subject to the provisions of this Act; and references in any Act to the Hurricane (Loan) Act 1899 shall be deemed to be references to this Act.

SCHEDULE A.

CERTIFICATE OF LOAN.

I.....
 Governor-in Executive Committee hereby certify that
owner,
 (or as the case may be) of.....
 plantation in the parish of.....
 has received from the Governor-in-Executive Committee,
 under the provisions of the Hurricane Loan Act 1900, a
 loan of a sum of..... pounds which
 sum is to carry interest from this date at the rate of three
 per centum per annum; and the principal is to be repaid in
 twenty equal annual instalments; the first of such instal-
 ments is to be repaid on the
 day of and a further instalment on
 the day of in each
 succeeding year until the sum lent shall be repaid; provided
 always that if default shall be made in the payment of the
 annual interest, or of any instalment, the whole principal
 sum then unpaid shall become immediately payable without
 further demand. The loan is to be applied to the purposes
 named in the schedule hereto.

I.....
 owner (or as the case may be) of the said plantation hereby
 certify that I have borrowed and received the said sum
 of..... pounds subject to the
 provisions of the Hurricane Loan Act 1900, and the condition
 set out in this certificate.

Given under our hands and seals this
 day of
 Witness

SCHEDULE.

Purposes to which Loan Applicable.

1900—1.

Hurricane Loan Act.

SCHEDULE B.

EXECUTION.

BARBADOS.

Victoria by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, Empress of India, &c.

To our Marshal of the Court of Common Pleas for Barbados, or his Lawful Deputy—Greeting.

We command you to attach all that sugar work plantation known as.....situate in the parish of..... and the growing crops, produce, and live and dead stock thereon, and to expose to sale and sell, according to law, so much of the same as will pay the sum of pounds with interest thereon at the rate of three per centum per annum from the day of 19 due to the Governor-in-Executive Committee on a Certificate of Loan issued under the Hurricane Loan Act 1900, to..... Hereof fail not. Dated this day of

19

TESTE.

.....
Governor-in-Executive Committee.

1900—2

An Act to authorize the Vestry of the Parish of St. Thomas to raise a loan to enable them to purchase a Residence for the Parochial Medical Officer of the said Parish.

[17 February, 1900.]

Preamble.

WHEREAS the Vestry of the parish of St. Thomas in this Island have by their humble petition to the Legislature of the Island prayed that they may be authorized to raise a loan not exceeding the sum of one thousand pounds to enable them to purchase a residence for the Parochial Medical Officer of the said parish : And whereas it is deemed expedient to grant the prayer of the said petition : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Saint Thomas's Parish (Barbados) Loan Act, 1900.

Saint Thomas's Parish (Barbados) Loan Act.

2. (1) For the purpose of providing the Parochial Medical Officer of the parish of Saint Thomas with a residence, the Vestry of the said parish are hereby authorized and empowered to acquire and purchase a suitable freehold building with the land and appurtenances thereto belonging, in the parish of Saint Thomas, and have the same conveyed to them in such manner as may seem to them most advisable in order that the property so purchased may be duly secured for the uses of the said Vestry.

Vestry authorized to purchase freehold building.

(2) The said Vestry may, if they think fit, acquire such property under the powers and subject to the obligations conferred and imposed by the Compulsory Powers (Land) Act, 1888.

(3) On the said property being acquired, the Vestry may out of the rates raised and levied by them for the current parochial year repair all buildings thereon and enclosure walls belonging to the same, and may make all necessary and proper additions, alterations, and improvements to such buildings, or any of them, in order that such property may be rendered fit and suitable for the purpose for which the same is intended.

3. For the purposes of the preceding section the said Vestry are hereby authorized and empowered to borrow from any person or persons, body or bodies politic or corporate, willing to lend the same, a sum or sums of money not exceeding the sum of one thousand pounds, at a rate not exceeding six pounds per centum per annum, such sum and interest to be a charge on the rates of the said parish until paid.

£1,000 authorized to be borrowed.

4. For the purpose of repaying any sum or sums of money which may be borrowed as aforesaid, the said Vestry are hereby authorized and required to lay a rate in the said parish in the year one thousand nine hundred and every following year sufficient to pay in every of these years an instalment or sum of fifty pounds towards the said loan of one thousand pounds, together with the interest annually becoming due on the principal sum and the unpaid balances thereof for the time being, and such rates are to be laid in the usual manner and are to be subject to confirmation or amendment in the usual manner.

Rate authorized to be laid for repayment of principal and interest by annual instalments.

5. When any sum or sums shall be borrowed as aforesaid, the Chairman, Churchwarden, and senior member of the said Vestry in vestry assembled shall give to the persons, bodies politic or corporate, from whom any sum or sums may be borrowed, certificates showing the sum or

Certificate of amount borrowed to be given to the lender.

Saint Thomas's Parish (Barbados) Loan Act.

sums borrowed and the names of the persons or person with their proper additions, bodies politic or corporate, from whom the money shall be borrowed, with the rate of interest thereon, and appointing the times and the place of payment of principal and interest. And such times and place of payment are to be at the Parochial Treasurer's office in the said parish in the month of October in the said twenty several years in which the rates to pay the said loan and the interest thereon are to be laid as aforesaid. Each certificate shall be numbered and dated and shall be made in the words or to the effect in schedule A to this Act.

Memorial of each certificate to be kept by the Parochial Treasurer.

6. An entry or memorial of every such certificate containing the number and date thereof and the names of the persons with their proper additions, bodies politic or corporate, to whom the same shall have been made, and of the sum or sums borrowed together with the rate of interest to be paid thereon, and the month in each year, and the years in which the sums mentioned in the several certificates are appointed to be paid, shall within fourteen days after the date thereof be entered in a book to be kept for that purpose by the Parochial Treasurer of the said parish, which book may be perused at all convenient hours of the day by any person, bodies politic or corporate, interested in any certificate, upon payment of a fee of sixpence to the said Parochial Treasurer.

Transfer of certificates.

7. All persons, bodies politic or corporate, to whom any such certificate shall have been made as aforesaid or who shall have become entitled to the money due thereon may from time to time transfer their respective rights and interests therein to any other persons or person, bodies politic or corporate, and any transfer thereof shall be in the words or to the effect in the schedule B to this Act. Every such transfer shall be produced to the Parochial Treasurer of the said parish who shall cause an entry or memorial to be made thereof in the same manner as of the original certificate, and for every such entry or memorial the Parochial Treasurer of the said parish shall be paid such sum as the Vestry shall appoint, not exceeding two shillings and sixpence for each transfer. After such entry shall have been made every transfer shall respectively entitle such assignee, his executors, administrators, and assigns, to the full benefit of the certificate and payment of the money and interest secured thereby, and it shall not be in the power of any persons, bodies politic or corporate, who shall have made such transfer to make void, release or discharge the transfer or any sum of money

Form of transfer.

Transfer to be noted by the Parochial Treasurer.

Effect of transfer.

Saint Thomas's Parish (Barbados) Loan Act

due or owing thereon, or thereby secured, or any part thereof.

8. No transfer of any certificate issued under the authority of this Act shall be of any force or validity so far as regards the payment of interest or for any other purpose until the same shall have been duly noted in the book to be kept for that purpose by the Parochial Treasurer.

Transfer not valid until noted.

9. On the day or respective days appointed in the certificates for the payment of the interest on the principal moneys named therein the Vestry of the said parish shall on demand pay through the Parochial Treasurer of the said parish at his office to the holders of the respective certificates such interest money, and on the day or respective days appointed in the said certificates for the payment of the principal moneys named therein the said Vestry shall also on demand pay through the said Parochial Treasurer at his office to the holders of the respective certificates the several amounts of principal moneys named therein respectively, together with all interest due or payable thereon to the day on which the principal moneys shall have been respectively made payable.

Payment of interest and also of principal.

10. From and after the day appointed in each certificate for the payment of the principal money named therein, all interest shall cease and determine in respect of the principal money named in such certificate, and that notwithstanding that payment of the principal money named in such certificate shall not have been made through not having been demanded.

Interest on certificate when to cease.

11. Whenever any interest money shall be paid to any holder of a certificate on the principal sum named in the certificate, a receipt for such interest money shall be indorsed on such certificate and signed by the persons or person receiving such interest money, and a duplicate receipt for the interest shall at the same time be given by the same persons or person to the said Parochial Treasurer to be filed by him in his office, and every certificate shall together with the transfers thereof (if any), at the time of the payment of the principal money named in such certificate, together with all interest thereon as aforesaid, be delivered up to the said Vestry and shall forthwith be cancelled or destroyed by them; provided always that if any certificates or transfers shall have been destroyed, lost or mislaid, the Vestry shall still pay the sums named in such certificates and the interest thereon to the persons,

Receipt for interest to be endorsed on certificate, and when principal paid certificate to be cancelled.

Proviso.

Saint Thomas's Parish (Barbados) Loan Act.

bodies politic or corporate, whom they may consider entitled to the same respectively upon being satisfied (at the cost of such persons, bodies politic or corporate) that such certificates have been destroyed or cannot be found, and upon receiving such sufficient guarantee of indemnity as they may think fit to require, or as they may by their counsel learned in the law be advised to require.

Costs and expenses under Act.

12. The said Vestry are hereby authorised and required to lay a rate at the same time that the annual rates are laid in the said parish for the purpose of meeting the costs and expenses of preparing and passing this Act and for defraying all expenses incurred by them from time to time in carrying out the provisions of this Act.

Majority of Vestry to be the Vestry for the purposes of Act.

13. All acts, matters, and things authorised or necessary to be done and executed by the said Vestry under this Act may be done and executed by the majority of the members of the said Vestry in vestry assembled.

Vestry authorised to sell property purchased.

14. The Vestry are hereby authorised and empowered to sell by public competition or private contract at such price, for cash, as they shall think fit the property so purchased as aforesaid, or such portion thereof as the said Vestry may think fit; and they may let out to tenants such portion of the lands of the said property as they may think fit, and also may, in case the property shall not be required for the residence of the Parochial Medical Officer, rent out to a tenant or tenants the property either as a whole or in such allotments as they may think fit, and all sums so received for sale or rent shall be paid to the Parochial Treasurer for the uses of the parish.

SCHEDULE A.

THE SAINT THOMAS'S PARISH (BARBADOS) LOAN ACT, 1900.

We the Chairman, Churchwarden, and senior member of the Vestry of the above-mentioned parish of Saint Thomas in vestry assembled do, with the authority of the said Vestry, hereby certify that the said Vestry have under the provisions of the Act above-mentioned borrowed from

of

the sum of

which sum has been paid to the said Vestry — and such sum is to be repaid at the Parochial Treasurer's office in the said parish in the month of _____ in the year 19____, and is meanwhile to carry interest at the rate of

Registration of Newspapers Act.

The phrase "place of residence" shall include the street or place where the person to whom it refers shall reside, and the number (if any) or other designation of the house in which he shall so reside.

The word "proprietor" shall mean and include as well the sole proprietor of any newspaper, as also in the case of a divided proprietorship the persons who, as partners or otherwise, represent and are responsible for any share or interest in the newspaper as between themselves and the persons in like manner representing or responsible for the other shares or interests therein and no other person.

The expression "Registrar" shall mean the Registrar appointed under the Registration Office Act, 1903.

Return to be made by the 1st May 1900 and in the month of May thereafter.

3. It shall be the duty of the printers and publishers for the time being of every newspaper to make or cause to be made to the Registrar of Barbados on or before the first day of May one thousand nine hundred and thereafter annually in the month of May in every year, a return of the following particulars according to the schedule A. hereunto annexed; that is to say:—

(a.) The title of the newspaper.

(b.) The names of all the proprietors of such newspaper together with their respective occupations, places of business (if any), and places of residence.

Penalty for not making the return.

4. If such return be not made, then each printer and publisher of such newspaper shall, on conviction thereof, be liable to a penalty not exceeding five pounds, and also to be ordered by the Police Magistrate to make a return within a specified time, or to be imprisoned without hard labour for any period not exceeding one month.

Transfer to be registered.

5. Any party to a transfer or transmission of or dealing with any share of or interest in any newspaper whereby any person ceases to be a proprietor or any new proprietor is introduced shall forthwith make or cause to be made to the Registrar a return according to schedule B. hereunto annexed and containing the particulars therein set forth; provided always that until such return is registered, the former proprietor shall remain liable for everything published in a newspaper.

Penalty for making false or incomplete return.

6. If any person shall knowingly and wilfully make or cause to be made any return by this Act required to be made in which shall be inserted or set forth the name of any person as a proprietor of a newspaper who shall not be a proprietor thereof, or in which there shall be any misrepresentation, or from which there shall be any omission in

Registration of Newspapers Act.

respect of any of the particulars by this Act required to be contained therein, whereby such return shall be misleading ; or if any proprietor of a newspaper shall knowingly or wilfully permit any such return to be made which shall be misleading as to any of the particulars with reference to his own name, occupation, place of business (if any), or place of residence, then and in every such case every such offender being convicted thereof shall be liable to a penalty not exceeding ten pounds.

7. It shall be the duty of the Registrar and he is hereby required forthwith to register every return made in conformity with the provisions of this Act in a book to be kept for that purpose at the office of the Registrar and called "The Register of Newspaper Proprietors," and all persons shall be at liberty to search and inspect the said book from time to time during the hours of business at the Registrar's office, and any person may require a copy of any entry in or an extract from the book to be certified by the Registrar or his deputy for the time being upon payment of sixpence.

Registrar to open a register of newspapers.

8. Every copy of any entry in or extract from the register of newspaper proprietors purporting to be certified by the Registrar or his deputy shall be received as conclusive evidence of the contents of the said register of newspaper proprietors, so far as the same appear in such copy or extract without proof of the signature thereto, and every such certified copy or extract shall in all proceedings, civil or criminal, be accepted as sufficient prima facie evidence of all the matters and things thereby appearing, unless and until the contrary thereof be shown.

Certified copies of extracts prima facie evidence.

9. (1) It shall be the duty of the publishers for the time being of every newspaper to forward within seven days after publication to the Librarian of the Public Library, who shall give a receipt therefor if required, a copy to be signed by the editor or publisher of every issue of the newspaper printed and published by them. Such copies shall not be for the use of the general public but shall be filed by the said Librarian in the Public Library.

A copy of every newspaper to be forwarded to the Public Library to be filed.

(2) Any such publisher who shall fail to comply with the provisions of the preceding subsection shall be liable to a penalty not exceeding one pound.

10. All penalties under this Act may be recovered in a summary manner before a Police Magistrate on the complaint of any person, and shall be paid into the Treasury for the use of the public.

Penalties.

Registration of Newspapers Act.

This Act not to apply to newspaper owned by joint stock company.

11. The provisions as to the registration of newspaper proprietors contained in this Act shall not apply to the case of any newspaper which belongs to a joint stock company duly incorporated under and subject to the provisions of the Companies Act 1910.

SCHEDULE A.

Return made pursuant to the Registration of Newspapers Act 1900.

Title of the Newspaper.	Names of the Proprietors.	Occupations of the Proprietors.	Places of business (if any) of the Proprietors.	Places of Residence of the Proprietors.

SCHEDULE B.

Return made pursuant to the Registration of Newspapers Act, 1900.

Title of Newspaper.	Names of Persons who cease to be Proprietors.	Names of Persons who become Proprietors.	Occupation of new Proprietors.	Places of business (if any) of new Proprietors.	Places of residence of new Proprietors.

Assistant Court of Appeal Act.

1900—4.

An Act to consolidate the Acts relating to the Assistant Court of Appeal.

[1st August, 1900.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preliminary

1. This Act may be cited as the Assistant Court of Short title. Appeal Act, 1900.

Part I—CONSTITUTION OF COURT.

2. The Assistant Court of Appeal shall, as at present, be constituted of three Judges, but for the purposes of adjournment, and for signing and issuing process, one Judge shall constitute the Court. Assistant Court of Appeal to consist as at present of three Judges.

3. It shall be lawful for the Governor from time to time on the death, resignation, or removal of either of the Judges to appoint some fit and proper person to be a Judge of the said Court; and such Judge shall hold his office during good behaviour, and shall receive an annual salary of four hundred and fifty pounds, to be paid him from the Public Treasury of the Island in monthly payments on the warrant of the Governor. Appointment of Judges.

4. In case any of the said Judges shall be a party or shall be beneficially interested in any case or suit in or any appeal to the said Assistant Court of Appeal it shall be lawful for the Governor to appoint some fit and proper person to act in the place of such Judge in reference to such case, suit, or appeal, and the person so appointed shall have full power and authority to issue all process in relation to such case, suit, or appeal and to hear and determine the same in the same manner as the Judge so interested might, could, or ought to do in any other case, suit, or appeal. Appointment of an acting Judge if any Judge is interested in a cause.

5. (1.) The Governor shall as often as may be necessary appoint a clerk to the said Assistant Court of Appeal at a salary of two hundred and fifty pounds per annum, and the clerk shall perform such duties as the Court with the approval of the Governor-in-Executive Committee or as the Governor-in-Executive Committee shall from time to time appoint. Appointment and salary of clerk.

Assistant Court of Appeal Act.

(2.) The salary of the clerk shall be paid out of the Public Treasury monthly on the warrant of the Governor-in-Executive Committee; provided always that the Treasurer shall not pay the same until the clerk shall have paid to the Treasurer all sums for fees and fines received by him in his capacity as clerk on behalf of the public, and such last payment shall be made within seven days next after the expiring of the month in which such sums were collected, and a true and particular account thereof with the Colonial Treasurer's receipt shall be delivered to the Auditor General by such clerk.

PART II—ORIGINAL JURISDICTION.

Legal jurisdiction

Original jurisdiction in debt and damages up to £50.

6. (1.) The Assistant Court of Appeal, besides its appellate jurisdiction, shall have original jurisdiction in all actions of debt where the sum claimed exceeds twenty pounds but does not exceed fifty pounds, whether on a balance of account or otherwise, in all actions for the recovery of dower, when the value of the real estate in which the widow shall claim dower shall not exceed five hundred pounds, and in all pleas of personal actions where the damage claimed exceeds ten pounds but does not exceed fifty pounds; provided always that the said Court shall not have cognizance of any action for any libel or slander, or for criminal conversation, or for seduction or breach of promise of marriage; provided also that in any case in which a plaint is brought in the Assistant Court of Appeal sounding in damages and less than ten pounds be awarded, the party bringing the suit shall not be entitled to costs unless the Court unanimously certify that the case is one that it was proper to bring in the Assistant Court of Appeal.

Proviso.

Proviso.

(2.) When the debt or demand claimed consists of a balance not exceeding fifty pounds after an admitted set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the Court shall have jurisdiction to try such action.

Plaintiff not to divide his cause of action but may abandon any excess.

7. It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more suits in the Assistant Court of Appeal under this Act, but any plaintiff having a cause of action for more than fifty pounds, whether on balance of account or otherwise, for which (if it were not for more than fifty pounds,) he might institute proceedings under this Act, may abandon

Assistant Court of Appeal Act.

the excess, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding fifty pounds, and judgment of the said Court in such case shall be in full discharge of all demands in respect of such cause of action, and entry of the judgment shall be made accordingly.

8. It shall be lawful for any executor or administrator to sue and be sued in the Assistant Court of Appeal in any case in which an original legal jurisdiction is by this Act conferred on the said Court, in like manner as if he were a party in his own right, and judgment and execution shall be such as in the like case would be given or issued in any superior court.

Executor or administrator may sue or be sued.

9. The Assistant Court of Appeal shall have original jurisdiction to hear and determine all cases of ejection where the value of the lands, tenements or hereditaments does not exceed fifty pounds, or where the rent payable in respect thereof does not exceed ten pounds by the year.

Original jurisdiction in ejection.

10. The Assistant Court of Appeal shall have original jurisdiction to hear and determine any action in which the title to any corporeal or incorporeal hereditaments shall come in question, where the value of the lands, tenements or hereditaments in dispute does not exceed the sum of fifty pounds, or where the rent payable in respect thereof does not exceed the sum of ten pounds by the year; or in case of an easement or license, where the value of the lands, tenements or hereditaments in respect of which easement or license is claimed, or on, through, over, or under which such easement or license is claimed, does not exceed fifty pounds, or where the reserved rent of such land, tenements or hereditaments as aforesaid does not exceed ten pounds by the year.

Court may exercise jurisdiction though title come in question.

11. When the term and interest of the tenant of any house, land or premises where the rent payable in respect thereof shall not exceed one hundred pounds by the year shall have expired, or shall have been determined either by the landlord or the tenant by a legal notice to quit, and any such tenant or any person holding or claiming by, through or under him shall neglect or refuse to deliver up possession accordingly, the landlord may enter a plaint either against such tenant or against such person so neglecting or refusing in the Assistant Court of Appeal for the recovery of the same, and the said Court upon hearing the said plaint and being satisfied that the term or interest of the said tenant had legally expired or been determined

In what cases court may give possession of premises to landlord.

Assistant Court of Appeal Act.

as aforesaid, that the rent did not exceed one hundred pounds, and that the defendant had refused or neglected to deliver up possession of the said house, land or premises, shall have power to issue a warrant under the hand of any one of the Judges of the said Court directed to any one or more writ officer or officers, commanding them within a period to be therein named, not less than three nor more than ten clear days from the date of such warrant, to enter (by force if needful) into the premises and give possession of the same to such landlord or agent; provided always that entry under any such warrant shall not be made on Sunday, Good Friday, or Christmas Day, or on any public holiday made so by proclamation, or at any time, except between the hours of eight in the morning and five in the afternoon; and for the purposes of this section the word "landlord" shall mean the person entitled to the immediate reversion of the premises; or if the property be held in joint tenancy co-parcenary, or tenancy in common shall be understood as signifying any one of the persons entitled to such reversion.

Application to Chief Justice at chambers for plaintiff to shew cause why action should not be brought in the Common Pleas.

12. The defendant or his landlord in any plaint brought under either of the two preceding sections, or in any plaint in trespass *quare clausum fregit*, may, within ten days from the day of receiving the summons to appear before the Assistant Court of Appeal to answer such plaint apply to the Chief Justice at chambers for a summons to the plaintiff to show cause why an action instead of such plaint should not be brought in the Court of Common Pleas on the ground that title to lands or hereditaments of greater value than fifty pounds would be affected by any decision in the case, and on the hearing of the summons the said Chief Justice, if satisfied that the title to other lands of greater value than fifty pounds would be so affected, may order an action, if the plaintiff still desires to proceed, to be tried in the Common Pleas, and thereupon and upon service of the order on the clerk of the Assistant Court of Appeal, all proceedings in the Assistant Court of Appeal in the said plaint shall be discontinued; provided that the Assistant Court of Appeal shall not enter into the hearing of the complaint until after the expiration of ten days after the service of the said summons. Nor shall the said Assistant Court of Appeal in any case proceed to hear and determine any such plaint even when a defendant shall not have applied as aforesaid to the Chief Justice for a summons to show cause if, at the hearing of the plaint, the defendant apply to postpone the hearing to enable him to apply as aforesaid to the Chief Justice for a

Assistant Court of Appeal Act.

summons and the Court shall be satisfied that the application is bonâ fide, and in such case the Court may grant the defendant a period of ten days to enable him to make his application to the Chief Justice.

Equitable jurisdiction.

13. The Assistant Court of Appeal shall have and exercise all the power and authority of the Court of Chancery, for this Island in the suits or matters hereinafter mentioned this is to say :—

(1) By creditors, legatees (whether specific, pecuniary, or residuary,) devisees (whether in trust or otherwise,) heirs-at-law or next of kin, in which the personal or real or personal and real estate against or for an account or administration of which the demand may be made shall not exceed in amount or value the sum of five hundred pounds.

(2) For the execution of trusts in which the trust estate or fund shall not exceed in amount or value the sum of five hundred pounds.

(3) For foreclosure or redemption or for enforcing any charge or lien where the property affected by the mortgage, charge, or lien shall not exceed in amount or value the sum of five hundred pounds.

(4) For specific performance of or for the reforming, delivering up, or cancelling of any agreement for the sale purchase, or lease of any property where, in the case of a sale or purchase the purchase money, or, in the case of a lease, the value of the property, shall not exceed the sum of five hundred pounds.

(5) Under the Guardians, Executors, Administrators, and Trustees Act, 1891, or any Act amending the same, in which the trust estate or fund to which the suit or matter relates shall not exceed in amount or value the sum of five hundred pounds.

(9) Relating to the maintenance or advancement of infants in which the property of the infant shall not exceed in amount or value the sum of five hundred pounds.

(7) For the dissolution or winding up of any partnership in which the whole property, stock and credit of such partnership shall not exceed in amount or value the sum of five hundred pounds.

(8) Suits for relief against fraud or mistake in which the damage sustained, or the estate or fund in respect of which relief is sought, shall not exceed in amount or value the sum of five hundred pounds.

Assistant Court of Appeal Act.

partition, &c.

(9) Suits for the partition, or for the sale and distribution of the proceeds of sale, of lands tenements and hereditaments held in joint tenancy, tenancy in common, or in co-parcenary, where the value of such lands tenements and hereditaments shall not exceed five hundred pounds.

settled estates.

(10) Proceedings under the Settled Estates Act 1906, when the settled estates as defined by section two of the said Act shall not exceed in value the sum of five hundred pounds.

injunctions, &c.

(11) Proceedings for orders in the nature of injunctions where the same are requisite for granting relief in any matter in which jurisdiction is given by this Act to the said Court, or for stay of proceedings at law to recover any debt provable under a decree for the administration of an estate made by the said court.

Powers and authority of a single Judge.

14. In all matters in which the Assistant Court of Appeal has jurisdiction under the last preceding section of this Act each judge of the said Court shall have all the powers and authorities now possessed by the Vice Chancellor or any officer of the Court of Chancery for this Island, and all accounts and enquiries which it may be in any case necessary for the said Court to take and make in respect of any such matter as aforesaid shall be taken and made before a single Judge of the said court; provided always that such Judge shall in discharging the duties imposed by this section conform to any rules or orders in respect of such duties which may be framed under the provisions hereinafter contained.

Probate jurisdiction.

Jurisdiction to grant administration if personal estate under £50.

15. Whenever it shall become necessary to have administration set up to the estate of any deceased person, with the will annexed or otherwise, whose personal estate in this Island shall be under the value of fifty pounds, it shall be lawful for the Assistant Court of Appeal to have and exercise the powers now exercised by the Court of Ordinary of this Island and to grant letters of administration to such estate with the will annexed or otherwise to any person applying for such letters, and on granting such application the Court shall be governed by the law and practice now acted upon by the said Court of Ordinary on similar applications to that Court.

Mode of obtaining administration.

16. Any person applying for such letters of administration shall lodge a petition with the Clerk of the said Assistant Court of Appeal, or any like officer now or hereafter to be

Assistant Court of Appeal Act.

appointed in the said Court briefly setting out the death of the testator or intestate and such other facts and circumstances as will enable the Court to take cognizance of the matter, and the said Court shall summon the petitioner to appear on a day named and shall grant letters of administration if the said Court shall in its discretion find it advisable so to do; provided however that notice of the application for such grant of administration shall be published in the Official Gazette of this Island at least ten days before the hearing of the application for such grant of administration, and at the hearing any person interested shall be at liberty to appear before the said Court and oppose the granting of such letters.

17. The said Assistant Court of Appeal shall and may upon its granting such administration take sufficient bond with one or more sureties, respect being had to the value of the estate, in the name of Her Majesty and her successors, with condition in form and in manner following, mutatis mutandis; namely,—

“The condition of this obligation is such, that if the above bounden *A.B.*, administrator of all and singular the goods chattels and credits of *C.D.* deceased, do make or cause to be made a true and perfect inventory of all and singular the goods chattels and credits of the said deceased which have or shall come to the hands or possession or knowledge of him the said *A.B.*, or to the hands and possession of any other person or persons for him; and the same, so made, do exhibit or cause to be exhibited in the Registration Office of this Island within thirty days next ensuing; and the same goods chattels and credits and all other the goods chattels and credits of the said deceased at the time of his death which at any time after shall come to the hands or possession of the said *A.B.*, or into the hands and possession of any other person or persons for him, do well and truly administer according to law; and further do make or cause to be made a true and just account of his said administration within ten calendar months now next ensuing; and all the rest and residue of the said goods chattels and credits which shall be found remaining upon the said administrator's accounts shall deliver and pay unto such person or persons respectively as by the law and custom of this Island shall be entitled to the same, then this obligation to be void and of none effect or else to remain in full force and effect.”

18. Any person obtaining letters of administration purporting to be signed by either of the Judges for the time

Administration bond.

Status of person obtaining administration.

Assistant Court of Appeal Act.

being of the said Assistant Court of Appeal shall be entitled to sue or may be sued in any court of law or equity in this Island as an administrator of the estate of the deceased person named in such letters, and shall in all other respects have and exercise all rights powers and authorities ordinarily appertaining to the office of an administrator, and be subject to the like duties liabilities and obligations.

Advertisement
of grants of
administration.

19. The names of all persons to whom grants of administration shall be made by the said Assistant Court of Appeal shall be duly notified in full, with their occupation and place of abode, in the Official Gazette of this Island within seven days after such grant has been made, and the bonds entered into by the said parties and their sureties shall also be deposited within the same period with the Registrar of this Island.

General provisions.

Sections of the
Petty Debt Act
1899 incorpor-
ated herein.

20. Sections twenty one, twenty seven, thirty, thirty three, thirty five to forty two (both included), forty five to fifty seven (both included), fifty nine to sixty one (both included), sixty five, seventy and eighty and schedule C of the Petty Debt Act, 1899, shall so far as the same are respectively applicable extend to and regulate all proceedings in the Assistant Court of Appeal in all cases within the original legal jurisdiction of the said Court ; and the said Court and the clerk thereof respectively shall in all cases within such jurisdiction as aforesaid respectively have, exercise, and discharge all the powers, functions, and duties respectively which in and by the said sections are vested in and imposed on the several Petty Debt Courts of this Island and the clerks thereof, in respect of proceedings in cases within the jurisdiction of such last-mentioned courts.

Process for due
execution of
judgments.

21. For the due execution of any judgment, decree or order made under the authority of this Act or of the rules and orders already existing, or that may hereafter be framed under the authority of this Act, the Assistant Court of Appeal shall have power to issue any writ or warrant of possession, writ or warrant of execution, or other process of execution for carrying into effect any judgment, decree, or order of the said Court ; and such writs, warrants, and processes shall be in the form and executed at the time and in the manner set forth in the rules and orders already existing or that may hereafter be framed under the authority of this Act. All such writs, warrants, and processes shall be directed to the Provost Marshal, and shall (subject

Assistant Court of Appeal Act.

to any such rules and orders as aforesaid) be executed by him in like manner as similar writs, warrants, and processes issuing out of the Court of Common Pleas or Court of Chancery for this Island.

22. Fourteen days after all judgments recovered in the Assistant Court of Appeal under its original legal jurisdiction execution shall, unless the Court shall at the time of giving judgment have ordered the same to issue earlier, issue under the hand of one of the Judges of the Court, on application to the clerk by the party entitled to such judgment, or by his attorney or agent, for the recovery of the debt, damages, or costs to which such party whether plaintiff or defendant may be entitled, directed to the Provost Marshal to attach the money, bank notes, cheques, bills of exchange, promissory notes, bonds specialties, and other securities for money, and the goods, chattels and effects of the party against whom such execution shall issue; and if no moneys, bank notes, cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money or goods, chattels or effects can be found sufficient to satisfy such execution then to attach the lands plantations and houses of such party: and such execution shall (subject to any rules and orders already existing or that may hereafter be framed under the authority of this Act) be executed by the Provost Marshal in like manner as an execution issued out of the Court of Common Pleas for this Island, and any real estate attached under such execution shall be appraised and sold by the Provost Marshal in the same manner as if the same had been levied on under an execution issuing out of the said Court of Common Pleas, and the Provost Marshal shall be entitled to demand and receive for the levy of the said execution, and for the appraising and selling of such real estate, the fees mentioned and set forth in the scale of costs annexed to the said rules and orders of the said Assistant Court of Appeal.

Within what time issued and how executed.

23. The Provost Marshal shall pay or deliver to the execution creditor entitled to the same in a due course of priority any money or bank notes which shall be attached by him, or a sufficient part thereof, and shall hold any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money attached by him under any writ of execution as a security or securities for the amount of the several executions lodged in his office against the judgment debtor, or so much thereof as shall not have been otherwise levied and raised: and may sue in his own name for the recovery of the sum or sums due thereon or

Provost Marshal to pay money or bank notes to creditor entitled to the same.

And to hold cheques, bills of exchange and other securities.

And sue for sums secured thereby;

Assistant Court of Appeal Act.

secured thereby if and when the time of payment thereof shall have arrived; and the payment to the Provost Marshal by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty, or other security, with or without suit, or the recovery and levying execution against the party so liable, shall discharge him to the extent of such payment or of such recovery and levy in execution (as the case may be) from his liability on any such cheque, bill of exchange, promissory note, bond, specialty, or other security; and the Provost Marshal may and shall pay over to the execution creditor or creditors entitled to the same in a due course of priority the money so to be recovered or such part thereof as shall be sufficient to discharge the amount of the several executions lodged in the office of the said Provost Marshal: and if, after satisfaction of the same, including all fees and expenses connected with the said executions, any surplus shall remain in the hands of the Provost Marshal the same shall be paid to the party against whom such execution shall have issued; provided that the Provost Marshal shall not be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty, or other security unless the party who directed such writ of execution to be levied shall enter into a bond with two sufficient sureties for indemnifying him from all costs and expenses to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof, the expense of which bond may be deducted out of any money recovered in such action.

And pay the money recovered to the execution creditor entitled to the same.

Any surplus to be paid to the execution debtor.

Proviso as to indemnifying the Provost Marshal.

Interest on and continuance of writs of execution.

24. All writs of execution issuing out of the Assistant Court of Appeal of this Island shall, except where otherwise ordered, bear interest from the date of judgment, and shall in respect of real estate continue in force for twenty years from such date, or from the date of the last payment made on account thereof, or from the date of any written acknowledgment made in respect thereof, as the case may be, and such execution shall as against purchasers for valuable consideration, mortgagees, or creditors, bind real estate only from the date the same shall have been lodged in the Provost Marshal's office of the said Island.

Power of the court under the Debtors Act, 1879.

25. In all cases in which a judgment is recovered in, or order made by, the Assistant Court of Appeal in its original legal jurisdiction, the said Court shall have and exercise powers, authorities, and jurisdiction in respect thereof similar to those which under and by virtue of the Debt-

Assistant Court of Appeal Act.

ors Act, 1879, the several Petty Debt Courts of this Island have and exercise in respect of judgments recovered in or orders made by the said courts.

Proceedings in default of appearance.

26. (1.) If in any case it be made to appear to the Court that from any cause prompt personal service of any summons to appear to a plaintiff within the equitable jurisdiction of the said Court cannot be effected on a defendant, the Court may make such order for substituted or other service within the jurisdiction or for service out of the jurisdiction thereof, or for the substitution for service either within or out of the jurisdiction of notice by advertisement or otherwise as may be just.

Substituted service or service out of the jurisdiction.

(2) Every application to the Court under the last preceding subsection shall be supported by evidence on oath giving the grounds upon which the application is made, in what place or country the defendant is or probably may be found, whether such defendant is represented here by a solicitor or duly constituted attorney or agent, and whether such defendant is a British subject or not, and also stating that in the belief of the deponent the plaintiff has a good cause of action.

(3.) Any order made under this section shall fix a day for hearing the plaintiff, such day of hearing to depend on the place or country where or within which the defendant is supposed to reside, and on the place or country where or within which the service is to be made or the notice given, and shall also specify the service or notice in lieu of service which is allowed and the mode in which such service is to be effected or such notice given.

(4.) If the defendant does not appear in Court at the day of hearing fixed by such order as aforesaid, the Court may, on being satisfied that the provisions of this section have been complied with, proceed to hear the plaintiff and may make the same decree or order as it would have made if the defendant had appeared at the hearing, and such decree or order may be carried into effect and enforced as if the defendant had appeared at the hearing and consented thereto; provided always that service of any subsequent proceeding or notice thereof on such defendant shall be unnecessary.

27. (1.) Where in any action within the equitable jurisdiction of the said Court it shall be made to appear to the Court that a trustee may proceed if a trustee

Assistant Court of Appeal Act.

defendant cannot be served as if he had been served.

the Court by evidence on oath that diligent search and enquiry has been made after any person made a defendant who is only a trustee, to serve him with the summons to appear to the plaint and that he cannot be found, it shall be lawful for the Court to hear and determine such plaint and to make such absolute decree or order therein against every person who shall appear to it to be only a trustee and not otherwise concerned in interest in the matter in question in such and the same manner as if such trustee had been duly summoned to appear thereto and had appeared by his counsel and solicitor at the hearing of such plaint; provided always that no such decree or order shall bind, affect, or in any wise prejudice any person against whom the same shall be made without being summoned to appear as aforesaid his heirs executors or administrators for or in respect of any estate right or interest which such person shall have at the time of making such decree or order for his own use and benefit or otherwise than as a trustee as aforesaid.

(2) The power conferred on the Court by this section shall be in addition to, and shall not prevent the exercise in any case of, the powers conferred by the last preceding section.

Admission of documents.

Where parties are competent to make admission, any party may call on any other party to admit documents.

28. In any case in which all parties to an action are competent to make admissions, any party may call on any other party by notice to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, the cost of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless the Court shall certify that the refusal to admit was reasonable; and no cost of proving any document shall be allowed unless such notice be given except in case where the omission to give the notice is, in the opinion of the taxing officer, a saving of expense.

Sale of lands.

Clerk of Court to sell lands directed to be sold.

29. In all cases where lands tenements or hereditaments are directed by any order or decree of the Court to be sold, the same shall be sold by the clerk of the said Court in the manner directed by the said Court.

Advertisement for liens before sale.

30. The clerk of the Court shall for two months prior to the sale of any lands tenements or hereditaments by advertisement in one or more of the newspapers of this

Assistant Court of Appeal Act.

Island call upon all persons having any estates, rights, interest, liens, or incumbrances in, on, or affecting any land, any estate or interest wherein is directed to be sold by him under a decree or order of the Court to bring in their claims affecting the said lands tenements and hereditaments, and such advertisement shall be in the form to this section annexed or as near thereto as the circumstances of the case will admit.

Form of Advertisement.

Official Notice.

BARBADOS.

In the Assistant Court of Appeal.

Equitable jurisdiction.

A. B.

Plaintiff.

vs.

C. D.

Defendant.

In pursuance of an order of this Court in the above action made on the _____ day of _____ 19____, I give notice to all persons having any estate right or interest in or any lien or incumbrance affecting _____ situate in _____ (the property of _____) to bring before me an account of their claims, with their witnesses documents and vouchers to be examined by me, on any Tuesday or Friday, between the hours of twelve (noon) and three o'clock (in the afternoon) at the Court House in the City of Bridgetown before the _____ day of _____ 19____, in order that such claims may be ranked according to the nature and priority thereof respectively; otherwise such persons will be precluded from the benefit of the said decree, and be deprived of all claim on or against the said property.

Given under my hand this _____ day of _____ 19____

E. F.,

Clerk of the Court.

31. If any person having or claiming any estate, right, interest, lien, or incumbrance in on or affecting any land, any estate or interest wherein is directed to be sold, shall not bring in an account of his claim with the witnesses documents and vouchers therefor before the date fixed by any such advertisement, or within such further time as the Court may on application allow, the land directed

Liens not claimed within specified time not to affect lands sold.

Assistant Court of Appeal Act.

to be sold shall be effectually freed and discharged from the estate, right, interest, lien, or incumbrance of any such person, but the claim of such person on or against any other property or person shall not be affected thereby.

Any interest in the land may, if Court has jurisdiction to order sale thereof, be satisfied out of proceeds of sale.

32. (1) If any claim to any estate, right, or interest in or affecting any land, any interest wherein is directed to be sold, shall be allowed by the Court, and the Court would have jurisdiction on application by or on behalf of the plaintiff or the defendant or by or on behalf of any person claiming under the action in which such claim is made, to order the sale of such estate, right, or interest, in such case the Court may on motion made to it in that behalf order that such estate, right, or interest be sold by the clerk in that action and the price thereof paid out of the purchase money of the land sold, and the Court shall by the order directing such sale give such directions as may be necessary for ascertaining the value of such estate, right, and interest or the sum to be paid as the price thereof out of the purchase money of the land sold.

(2.) Any such motion shall be made by or on behalf of the plaintiff with the consent of the person entitled to apply for the sale of such estate, right, or interest, save and except that if the defendant be the person entitled his consent shall not be necessary.

(3.) If in any case in which such estate, right, or interest is ordered to be sold, the land affected thereby has already been sold, as if such estate, right, or interest were included in the sale, then such estate, right, or interest shall not again be set up for sale but the price thereof shall be paid out of the purchase money of the land so sold as aforesaid.

Notice of intended distribution of purchase money.

33. The Court shall before applying and distributing the purchase money give notice through the clerk to every claimant under the action of the particulars of such intended application and distribution.

Marshalling of liens.

34. Where any creditor, claiming before the Court a lien affecting any land directed to be sold by the Court, also claims the said debt against any other land which may be also directed to be sold or is under the control of the Court at the same time, whether by virtue of the same or different suits, then the Court shall, in applying and distributing the purchase money of either of the properties against which such debt is claimed, marshal such debt against such land so as to determine how much of the said lien shall be

Assistant Court of Appeal Act.

borne by each land, and thereupon each of such lands shall stand released from the portion or portions of the said lien marshalled by the Court against the other or others of them, unless such creditor shall before such application and distribution is made give the clerk a written notice that he objects to such marshalling, and in such case the Court shall rank or otherwise marshal the debt in the manner indicated by the creditor, subject and without prejudice to the rights of all other creditors; provided always that this section shall in no wise diminish the present powers of the Court as to the marshalling of debts.

35. If any incumbrancer claims before the Court more than three years' interest as owing to him under his security at the date on which the claim, in which such claim is made, was filed, the Court shall give only three years' interest the priority of the security under which it is claimed, and the residue thereof shall be ranked immediately preceding the unsecured debts claimed before the Court: provided always that if more than one such residue shall in any case exist, such residues shall all rank immediately before such unsecured debts but as between themselves in the same order as the securities under which they are obtained; and provided also that this section shall not apply to any actions instituted in the Court prior to the date of the passing of this Act or to any arrears of interest owing at that date, but such arrears together with any arrears not exceeding three years' arrears accruing after that date shall have the priority of the security under which they are claimed.

Arrears of
interest.

Conveyance.

36. Every conveyance by the clerk made after the passing of this Act shall be in the form to this section annexed, or as near thereto as circumstances will admit.

Form of
conveyance.

Form of Conveyance.

BARBADOS.

This Indenture made the _____ day of _____ 19____
between A.B., Esquire, the clerk of the Assistant Court of Appeal of this Island, of the one part, and C.D., of the parish of _____ in the said Island, Esquire, of the other part; Whereas in pursuance of a decree of the said Assistant Court of Appeal made on the _____ day of _____ 19____ in an action depending therein entitled shortly E. vs

Assistant Court of Appeal Act.

F., the clerk of the said Court on the _____ day of _____ 19____ sold the property (or if less than an estate in fee simple be sold mention the estate or interest sold) hereinafter mentioned and described to the said C.D. for the sum of _____ pounds sterling; And Whereas the said C.D. has paid to the said clerk the sum of _____ pounds, on account of the said purchase money leaving the sum of _____ pounds still due and owing on account thereof in the order to the persons and in the amount in column one two and three of Part II of the schedule hereunto annexed mentioned with lawful interest thereon from the date in column four of the said part of the said schedule; Now this Indenture witnesseth that in consideration of the premises, the said A.B., clerk of the Assistant Court of Appeal as aforesaid, in pursuance of the said decree, doth hereby grant unto the said C.D. and his heirs, (*alter according to the nature and extent of the estate or interest sold*) all that (*describe the property*) together with the buildings stock and hereditaments thereon and thereto belonging, and all ways rights easements and appurtenances thereto belonging and appertaining and all estate, right, title and interest therein, (*or as the case may be, alter according to nature and extent of estate or interest sold,*) To Have and To Hold the same unto and to the use of the said C. D. his heirs and assigns for ever, (*alter according to the nature and extent of the estate or interest sold*) but subject and liable to the several estates, rights, and interests in Part I of the schedule hereto annexed mentioned and also subject and liable to the payment of the liens in the priority in column one and to the persons in column two of Part II. of the schedule hereto annexed mentioned, and in the amounts in column three of the said Part mentioned with lawful interest thereon respectively from the dates in column four of the said Part mentioned, and the securities for the said liens with the dates thereof are stated shortly in column five of the said part of the said schedule.

In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first within written.

Assistant Court of Appeal Act.

SCHEDULE TO THE CONVEYANCE.

PART I.

Nature of estate right or interest.	Names of persons entitled thereto.	Nature shortly, with dates of the latest instrument of the title

PART II.

Number of liens.	Names of holders of liens.	Amount of liens.	Dates from which interest is payable.	Nature shortly with dates of the securities for the liens.

37. All conveyances executed by the clerk after the passing of this Act in pursuance of a decree or order directing the sale of any land or any interest therein shall effectually pass such interest in the land thereby expressed to be conveyed as in the conveyance is specified and shall effectually discharge such land from all estates, rights, interests, liens, claims and incumbrances whatsoever, of all persons whomsoever, including the Crown, save and except such as are specified in such conveyance, and subject and liable to which the clerk shall have conveyed the said land ; provided always that prior to any such conveyance an enquiry shall be made by the clerk and an advertisement for claims issued in accordance with this Act, as to what estates, rights, interests, liens and incumbrances, were or are existing in or on or affecting the said land conveyed, Effect of conveyance by clerk.

Assistant Court of Appeal Act.

and a certificate of such estates, rights, interests, liens, and incumbrances, and of the application of the purchase money of such land or of the interest therein sold shall have been duly made by a Judge and confirmed by the Court.

Parties thereto.

38. In the conveyance of land purchased from the clerk under a decree or order of the said Court it shall not be necessary to join as parties with the clerk persons in whom any estate, right, or interest, legal equitable or otherwise, or any mortgage term of years is vested, but such conveyance when executed by the clerk shall be effectual to vest in the purchaser the estate or interest purported to be conveyed as if the persons entitled thereto or interested therein or having any claim thereon had been made parties to and had executed the said conveyance, and had thereby granted, transferred, surrendered, or released the same.

Effect of signature by clerk.

39. The signature of the clerk to the conveyance shall be conclusive evidence that all the provisions of this Act and all proceedings necessary for the validity and full effect under this Act of the conveyance have been complied with and duly taken.

Pending actions.

40. In all actions which were pending in the Assistant Court of Appeal on the twenty sixth day of June eighteen hundred and ninety five, in which the fee simple and absolute interest in any land has been ordered to be sold but in which no conveyance has yet been executed, the Court may on application made to it by motion in that behalf order the clerk to issue an advertisement in form and manner as aforesaid and direct a Judge to make a certificate to the Court of the estates, rights, interests, liens and incumbrances existing in and affecting such land.

Title deeds and plots of land ordered to be sold.

41. Where any estate or interest shall by any decree or order of the Court be ordered to be sold by the clerk of the Court such clerk shall demand the title deeds, plots, and plans of such estate or interest from the mortgagor or mortgagee, or other person in possession of the same; and the said clerk is hereby authorised to examine any such person on oath or affirmation, when affirmation is allowed, touching the possession of such deeds, plots, or plans and on refusal of any such person to deliver up any such deeds, plots, or plans to the said clerk or to answer such questions as the clerk shall put to him, such clerk shall certify the same to the Court and the Court is hereby authorised to commit such person for a contempt, until he shall deliver up such deeds, plots, or plans or answer such questions. And the said clerk shall deliver such title deeds, plots, and plans to the solicitor

Assistant Court of Appeal Act.

for the plaintiff in the action; and when any estate or interest shall be so put up for sale, a time for the delivery of such title deeds, plots and plans to the purchaser or his solicitor shall be specified in the conditions of sale.

Giving possession.

42. Whenever on the sale by order of the said Court of any land or any estate or interest therein the purchaser shall become entitled to the immediate possession of such land, then if any other person shall be found to be in possession or occupation of such land and shall neglect or refuse to deliver up possession thereof to the said purchaser, the said Court shall have power, on the application of the said purchaser, to issue a warrant under the hand of any one of the Judges of the said Court directed to any one or more writ officer or officers commanding them within a period to be therein named not less than three nor more than ten clear days from the date of such warrant to enter (by force if needful) into the said land and give possession of the same to such purchaser; provided always that entry under any such warrant shall not be made on a Sunday, Good Friday or Christmas Day, or any public holiday made so by proclamation, or at any time except between the hours of eight in the morning and five in the afternoon.

Power of Court to give possession of land sold.

Rules of Court.

43. The Judges of the Assistant Court of Appeal shall frame rules and orders for regulating the practice of the said Court, and forms of proceedings therein in all cases within its original and appellate jurisdiction, and may, from time to time and as occasion may require, annul or amend such rules, orders, and forms, and such rules, orders, and forms or amended rules, orders, and forms certified under the hands of the said Judges shall be submitted to the Chief Justice, who may allow or disallow or alter the same; and the rules, orders, and forms, or amended rules, orders, and forms so allowed or altered shall from a day to be named by the Chief Justice be in force in the said Court, and a notice of the making, of the date of the coming into force, and of the place where copies can be purchased, of the rules, orders, and forms or amended rules, orders, and forms so allowed or altered shall be published three times in the Official Gazette and a printed copy of the same shall be set up in some conspicuous place in the room where the sittings of the said Court are held; provided always that any rules, orders

Judges to frame rules and orders for approval of Chief Justice.

Assistant Court of Appeal Act.

or forms framed or amended under the preceding provisions of this section shall not be inconsistent with or repugnant to any of the provisions of this Act or any of the rules orders or forms regulating the practice or procedure of the superior courts. Provided that when the amended rules orders and forms so allowed or altered shall not exceed five folios (of ninety words each) such rules orders and forms shall be published in the Official Gazette.

Fees and costs.

Judges to frame table of fees for approval of Chief Justice.

44. The Judges of the Assistant Court of Appeal shall frame a table of fees to be paid on all proceedings in the said Court in cases within its original or appellate jurisdiction, and shall also frame a scale of costs and charges to be paid to counsel, attorneys and solicitors, in respect of such proceedings within its original jurisdiction, and the respective appearance and practice of such counsel, attorneys and solicitors in the said Court in proceedings within its original jurisdiction shall be governed by the same rules as those which regulate their appearance and practice in similar actions and suits in the superior courts, and shall from time to time, and as occasion may require, amend such table and scale, and such table and scale, or amended table and scale, certified under the hands of the said Judges shall be submitted to the Chief Justice, who from time to time may allow or disallow or alter the same; and the said table and scale or amended table and scale so allowed or altered shall from a day to be named by the Chief Justice be in force in the said Court; and the said table and scale or amended table and scale so allowed or altered shall be published three times in the Official Gazette, and a copy of the same shall be set up in some conspicuous place in the room where the sittings of the said Court are held.

Payment and recovery of fees

45. All fees payable in respect of proceedings in the Assistant Court of Appeal under the provisions hereinbefore contained shall (except when otherwise provided by the table of fees to be framed as hereinbefore mentioned, in which case they shall be paid as by such table provided) be paid in the first instance by the party on whose behalf any such proceeding is taken, and in default of the payment of any fees payment thereof shall, by order of the said Court, be enforced by such means as might be employed to recover any debt adjudged by the said Court to be paid.

Fees payable to the Provost Marshal.

46. The Provost Marshal shall (subject to the provisions of any table or amended table to be framed as

Assistant Court of Appeal Act.

aforesaid, as to the time and manner of payment of such fees) receive and pay into the Public Treasury to the credit of the general revenue all fees payable under such table or amended table as aforesaid, in respect of the execution of any writ or warrant of possession or execution, or of any other process directed to and executed by him under the provisions of section twenty one of this Act.

47. Any person who shall, after the passing of this Act, institute any action or suit in the Court of Common Pleas or in the Court of Chancery in any case within the jurisdiction by this Act conferred on the Assistant Court of Appeal, shall not in any such action or suit recover any fees or costs greater in amount than those which he might have recovered if such action or suit had been instituted in the Assistant Court of Appeal under the provisions of this Act, unless the Chief Justice or Vice Chancellor as the case may be shall certify that the action or suit was one that was rightly so brought.

48. The original jurisdiction of the Assistant Court of Appeal shall not in any way interfere with or retard the business of the Court in its primary duties as a Court of appeal, but the appellate cases shall in all cases have precedence of other cases.

Clerk's duties.

49. In addition to the duties hereinbefore mentioned, the clerk of the Assistant Court of Appeal shall, in all cases within the original jurisdiction of the said Court, perform duties similar to those which are imposed on the several clerks of the several Petty Debt Courts of this Island in cases within the jurisdiction of such courts; and all money coming into the hands of the said clerk shall be deposited in the Colonial Bank in his name as clerk of the Assistant Court of Appeal, and he shall at the end of each month pay into the Colonial Treasury to the credit of the general revenue all money (not being suitors' money), which he at the time of such payment may have in hand.

PART III.—APPELLATE JURISDICTION.

50. The Assistant Court of Appeal shall have and exercise an appellate jurisdiction in all cases and over all questions which now are, or shall or may hereafter become, subject to the decision of any Police Magistrate or Judge of any Petty Debt Court, any law or usage to the contrary thereof in anywise notwithstanding.

Assistant Court of Appeal Act.

Mode of proceeding on appeal.

51. (1) It shall and may be lawful for any person, whether he be complainant, plaintiff, or defendant in any criminal or civil proceeding, who shall be dissatisfied with any decision of any Police Magistrate or Judge of any Petty Debt Court, to appeal therefrom to the Assistant Court of Appeal ; and any person, who shall desire to appeal to the said Court from any such decision, shall make known such his intention to the Police Magistrate or Judge of any Petty Debt Court with whose decision he may be dissatisfied within five days after the pronouncing of the same, and shall also give to the other party, within the same time, notice of such appeal, which notice, if given in court at the end of the proceedings to the person who appeared as agent for the respondent in such proceedings, or if in writing and left at the last known place of abode of the respondent, or if posted by registered letter addressed to the respondent or his agent as aforesaid at his place of abode or business as stated in the complaint information or particulars, so that in the ordinary course of the post it would reach him within five clear days after the pronouncing of the decision, shall be sufficient, and upon any appeal being made as aforesaid, subject to the proviso at the end of this section, the Police Magistrate or Judge of the Petty Debt Court from whose decision it is made, shall, under a penalty of five pounds, to be recovered in a summary manner before a Police Magistrate on the complaint of the person aggrieved and paid into the Public Treasury for the uses of the Island, within ten days after receiving such notice, unless the appellant shall declare to the said Police Magistrate or Judge of the Petty Debt Court his intention to abandon the said appeal, send in to the clerk of the said Assistant Court of Appeal a correct copy of the proceedings in the cases appealed from, certified under his hand for the information of the Assistant Court of Appeal and also in all criminal cases except those in which the defendant has been committed to prison pending the hearing of the appeal, the execution or commitment (if any) necessary to the carrying out of the decision, and, upon the proceedings in any such appeal being lodged as aforesaid, the clerk of the said Court shall within five days issue to a writ officer a summons under the hand of any one of the Judges of the said Court or of the said clerk to be served on the parties, appellant and respondent, to appear before the Assistant Court of Appeal on a day to be named therein, to attend the hearing of such appeal and abide the judgment of the said Court thereupon ; and the said writ officer shall serve the same either personally or by leaving a copy thereof at the usual place of abode of the

Assistant Court of Appeal Act.

party, and make a return of such service to the clerk of the Assistant Court of Appeal or the Police Magistrate or Judge of the Petty Debt Court or the Police Magistrate's clerk of the district in which such summons was served; and the said Court shall hear and determine the matter of all such appeals with all possible despatch; provided always that if the writ officer satisfies the Court that it is impossible to serve such summons as aforesaid on the appellant, and the appellant does not apply for the hearing of his case within such time as may be fixed by any rule of Court, then his said appeal shall be dismissed; provided always that every appellant from the decision of a Judge of a Petty Debt Court shall at the time of making known to the said Judge his intention to appeal, or within five days from the pronouncing of the decision, pay to the clerk of the said Petty Debt Court the fees of the Assistant Court of Appeal for lodging, summoning, and hearing such appeal, and in default of such payment the notice of appeal shall be of no force or effect whatsoever, except that if there shall be more than one appellant in the same case, the appeal of all the appellants, if otherwise good, shall be heard and determined by the Assistant Court of Appeal, although no more than one of such appellants shall have prepaid the said fees of the said Court. The said fees shall be dealt with by the clerk of the Petty Debt Court in the same manner in all respects as the court fees of the said Petty Debt Court, but a separate account thereof shall be kept by such clerk.

Prepayment of costs of appeal in civil cases.

(2) No complaint shall be preferred against a Police Magistrate for failing to send on an appeal within the time prescribed by law after the expiration of two months from the date of such failure.

Limitation of complaint against Magistrate.

52. The Assistant Court of Appeal shall have power and authority to examine on oath, when they shall deem it expedient to the ends of justice, both parties to any such appeal, and to re-examine any witness or witnesses who have given testimony on the original hearing of the complaint or plaint, and shall make such judgment or order therein, with or without costs, as to them shall seem meet, and in case of variation or reversal of the decision appealed from, such judgment or order of the Assistant Court of Appeal shall stand in the place of and be substituted for the original decision, and shall in respect of all subsequent applications made or proceedings taken in relation thereto be regarded as the original decision, and may be carried into effect by the Assistant Court of Appeal: or the Police Magistrate, or Judge of the Petty Debt Court whose decision has been appealed from shall on notification

Powers of the Court as to receiving evidence.

Assistant Court of Appeal Act.

by the clerk of the Assistant Court of Appeal proceed to carry it into effect as if it had been made by him, and shall also enforce payment of any costs imposed by the Assistant Court of Appeal: and the said Court shall and may also in any case where they shall deem it conducive to the ends of justice, either on the part of the appellant or respondent, examine any witness or witnesses other than such as may have been examined before the Police Magistrate or Judge of the Petty Debt Court from whose decision any appeal shall be made to such Assistant Court of Appeal, and may likewise call for any other legal evidence which to such Assistant Court of Appeal shall appear to be necessary for attaining the ends of justice.

Power of compelling attendance of witnesses, &c.

53. The Judges of the Assistant Court of Appeal shall in every case of an appeal from the decision of a Police Magistrate or Judge of a Petty Debt Court have and exercise as full power and authority for compelling the attendance of witnesses and the production of accounts, papers, and documents relating to the case before them, and as full power of amendment, as are vested in the Police Magistrate or Judge of the Petty Debt Court, as the case may be, from whose decision the appeal has been made.

Suspension of sentence by appeal.

54. Whenever any such appeal is made from the decision of any Police Magistrate or Judge of a Petty Debt Court to the Assistant Court of Appeal, such appeal shall have the effect of suspending the carrying into effect the decision appealed from, except in such cases as are hereinafter provided for, till the same is disposed of by the Assistant Court of Appeal; provided always that where at the original adjudication a sum of money is ordered to be paid within a certain time and the person against whom the order is made appeals and the decision is confirmed, the time within which such sum of money must be paid shall be computed from the date of the original adjudication.

Appeals by persons sentenced to imprisonment.

55. When any person convicted summarily before any Police Magistrate for any offence shall be sentenced to imprisonment without payment of a fine, the Police Magistrate shall, on passing sentence, inform such person of his right to appeal to the Assistant Court of Appeal against the conviction, and if such person shall within the time allowed by law declare his intention to appeal as aforesaid, he shall be detained in custody unless and until the appellant shall enter into a recognizance, in the form of schedule B to this Act, before such Police Magistrate, with one or more sureties to be approved by the Police Magistrate in the sum of fifty pounds conditioned to appear and try such appeal; or

Assistant Court of Appeal Act.

the person convicted may, instead of entering into a recognizance, give security by a deposit of fifty pounds with the clerk of the Court; provided always that nothing herein contained shall deprive any person so convicted as aforesaid of his right to appeal within five days after the pronouncing of the decision as provided by this Act.

56. In every case in which after the summary conviction of a defendant who is sentenced to imprisonment the complainant appeals within the time allowed by this Act, the complainant shall give his notice of appeal to the Police Magistrate, and the defendant shall be detained in custody until the hearing of the appeal; provided always that if the decision of the Police Magistrate is confirmed, the term of imprisonment shall be computed from the date of the conviction.

Appeals by complainant in such cases.

57. (1.) In every case of an appeal being made under either of the two last preceding sections the Police Magistrate from whose decision the appeal is made shall, under a penalty of ten pounds to be recovered in a summary manner before a Police Magistrate on the complaint of the person aggrieved and paid into the Public Treasury for the uses of the Island, forthwith transmit to the clerk of the Assistant Court of Appeal the proceedings or a copy thereof taken in the case; and it shall also be the duty of such Police Magistrate, and he is hereby directed, to give or cause to be given to the respondent in case of any such appeal, or the person in whose custody he is (as the case may be), timely notice of such appeal, but his omitting to do so shall not be a bar to the hearing and determining of such appeal, anything hereinbefore to the contrary notwithstanding.

Duties of Police Magistrate in case of such appeal.

(2.) No complaint shall be preferred against a Police Magistrate for failing to send on such appeal after the expiration of two months from the date of such failure.

Limitation of complaint against Magistrates.

58. The Assistant Court of Appeal is hereby empowered and required,

Powers of the Court to bring up a convict.

(1.) in every case of an appeal under section fifty-five of this Act in which no such recognizance or security as is mentioned in the said section has been entered into or given, and

(2.) in every case of an appeal under section fifty-six of this Act,

to bring up the convict before them for the hearing of such appeal by warrant under the hand of one of the Judges of the said Court, directed to the gaoler or keeper of the prison or other person in whose custody the convict is.

Assistant Court of Appeal Act.

Such appeals to be heard without delay.

59. The Assistant Court of Appeal shall hear and determine with all possible despatch all appeals under section fifty five or section fifty six of this Act when the defendant is detained in custody.

Appeals by persons ordered to find sureties to keep the peace.

60. (1.) Whenever any Police Magistrate shall require any person brought before him to find sureties to keep the peace, the person on whom any order to find sureties shall be made shall be entitled at the time that the order is made, or within five days thereafter, to appeal to the Assistant Court of Appeal from the order, and the Police Magistrate shall, within three days after any such appeal, forward to the Assistant Court of Appeal the complaint and evidence on which such order for sureties is made, to be considered by that Court; provided however that if the person on whom the order is made shall not provide sureties as required by the Police Magistrate, such person may be committed in default of sureties until the appeal is heard and determined by the Assistant Court of Appeal; and if the Police Magistrate shall fail to forward to the said Assistant Court of Appeal within the time limited as aforesaid the complaint and evidence on which the order to find sureties is made as aforesaid, in order that the appeal might be heard and determined without delay, such Police Magistrate shall be liable on the complaint of the person aggrieved to a penalty of not exceeding ten pounds, to be recovered before any other Police Magistrate, such penalty to be paid into the Public Treasury of this Island for the uses of the Island, besides continuing liable to any civil proceedings for damages which the person or persons preferring the appeal might be entitled to take against him.

Limitation of complaint against magistrate.

(2.) No complaint shall be preferred against a Police Magistrate for failing to send on such appeal after the expiration of two months from the date of such failure.

Powers to send back cases to be reheard.

61. Where any proceedings whether of a criminal or civil nature shall come up on appeal to the Assistant Court of Appeal from any decision, order, or judgment of any Police Magistrate or Judge of any Petty Debt Court, and the evidence taken at the original hearing shall not in the opinion of the Judges of the said Assistant Court of Appeal be sufficiently clear to enable the said Court to judge of the correctness or otherwise of the decision, judgment, or order come to or made in any such case, or if no evidence shall have been taken and recorded and sent on to the said Assistant Court of Appeal, the said Judges are hereby authorized to return the said proceedings to the Police

Assistant Court of Appeal Act.

Magistrate or Judge of the Petty Debt Court (as the case may be), from whom such proceedings shall have come, to be forthwith reheard by the said Police Magistrate or Judge of the Petty Debt Court; and the said Police Magistrate or Judge of the Petty Debt Court shall, with as little delay as possible, summon the respective parties to appear as on the first hearing, and rehear and determine the case so referred back to such Police Magistrate or Judge of the Petty Debt Court, and on such rehearing shall take a note in writing of the facts given in evidence before him, and either party shall be entitled to appeal from the decision, judgment, or order come to or made on such rehearing, which said appeal shall cancel the appeal on which the order for the rehearing was made. If such Police Magistrate or Judge of the Petty Debt Court shall neglect or refuse so to rehear and determine any such case as before-mentioned, or shall on the rehearing of any such case neglect or refuse to take a note in writing of the facts given in evidence before him, the party aggrieved may lodge a complaint before any Police Magistrate, who, on proof that the said Police Magistrate or Judge of the Petty Debt Court has neglected or refused so to rehear and determine such case, shall impose a penalty of five pounds on such Police Magistrate or Judge of the Petty Debt Court, to be recovered in a summary manner and to be paid into the Public Treasury of the Island, and this shall not in any way affect any other proceedings that can now be taken against him for such neglect or refusal.

Penalty for not rehearing.

62. In all cases in which an appeal is made to the Assistant Court of Appeal from any order or judgment made or given under any of the provisions of the Debtors Act, 1879, by the Judge of any Petty Debt Court, the Judges of the said Assistant Court of Appeal shall have and may exercise all or any of the powers which are by the said last-mentioned Act vested in the Petty Debt Court Judge from whose order or judgment the appeal is made.

Powers of the Court on appeals under the Debtors Act, 1879.

63. Whenever any person shall be undergoing imprisonment under a commitment of a Police Magistrate or Petty Debt Court Judge for any offence for which such person shall have been convicted, or in virtue of any order made under the Debtors Act, 1879, and the Assistant Court of Appeal shall reverse the decision of the Police Magistrate or Petty Debt Court Judge, under whose warrant or order such person shall be detained, it shall be lawful for the senior Judge of the Assistant Court of Appeal, by a certificate under his hand, to order the release of the prisoner

Power to order release of prisoner on conviction being reversed.

Assistant Court of Appeal Act.

in regard to whom the conviction or order is reversed or quashed, and the keeper of the prison in which such prisoner may be confined shall, upon the receipt of such certificate, release the prisoner accordingly, unless such prisoner be detained for some other cause than that mentioned in this section.

Fees in appeal cases.

64. Until a scale of fees in appeal cases is framed under this Act, the fees in schedule A to this Act shall be the fees of the Assistant Court of Appeal in such cases. And a table of such fees shall be hung up in some conspicuous part of the room in which such Court shall be held.

PART IV.—APPEALS TO COURT OF ERROR AND COURT OF CHANCERY.

Preliminary.

Meaning of "decision."

65. The term "decision" as used in this part of this Act with reference to the Assistant Court of Appeal shall mean and include,

(1.) every conviction, order, or other determination, made or arrived at by the Assistant Court of Appeal in the exercise of its appellate jurisdiction, in any complaint matter or proceeding of a criminal nature;

(2.) every judgment, order, or other determination, given, made or arrived at by the Assistant Court of Appeal in any action, matter or other proceeding of a civil nature, whether on appeal, on the hearing of any interpleader claim, either on appeal or originally, or in the exercise of its original legal jurisdiction;

(3.) every judgment, order, or other determination given, made, or arrived at by the Assistant Court of Appeal, in the exercise of its equitable jurisdiction; or given, made, or arrived at by one or more of the Judges of the said Court sitting in chambers.

And the same term, as used in this part of this Act with reference to the Court of Error of this Island, shall mean the conviction, judgment, order or other determination given, made, or arrived at by the said Court on the hearing of an appeal from the Assistant Court of Appeal; and, as used with reference to the Court of Chancery of this Island, shall mean the judgment, order, or other determination given, made, or arrived at by the said Court on the hearing of an appeal from the Assistant Court of Appeal in the exercise of its equitable jurisdiction.

*Assistant Court of Appeal Act.**Appeals to the Court of Error.*

66. The Chief Judge shall, for the purposes of this Act, compose the Court of Error, and it shall not be lawful to bring any appeal which may be entertained by the Assistant Court of Appeal before the said Court of Error except from the Assistant Court of Appeal.

Composition of Court.

67. If any party in any action or matter of a civil nature, or in any proceeding of a criminal nature, is dissatisfied with the decision of the Assistant Court of Appeal in the exercise of its appellate jurisdiction, on any point of law, such party may appeal therefrom to the Court of Error.

Appeals from decision given on appeal.

68. If any party in any action or matter within the original legal jurisdiction of the Assistant Court of Appeal is dissatisfied with the decision of the said Court on any point of law, such party may appeal therefrom to the Court of Error.

Appeals from original decisions.

69. Any person desirous of appealing from a decision of the Assistant Court of Appeal shall give notice of his intention to appeal to the other party, and shall also, within fourteen days after the decision is given from which the appeal is made, pay to the clerk of the Assistant Court of Appeal the fees mentioned in schedule D to this Act as court fees, and enter into a recognizance in Form I. in schedule C to this Act before the clerk of the Assistant Court of Appeal with one substantial and sufficient surety to be approved by the Court in a penal sum, conditioned to appear and prosecute such appeal and to abide the judgment of the Court of Error thereon, and to pay such costs as may be awarded against him by the said Court, or the appellant may, instead of entering into a recognizance, give other security by a deposit of a sum equal to the penal sum required in the recognizance with the clerk of the said Court.

Notice of appeal and recognizance.

70. (1) In every case of an appeal from the Assistant Court of Appeal to the Court of Error where the person appealing has been convicted summarily before a Police Magistrate and sentenced to imprisonment without payment of a fine, and the decision of the Police Magistrate has been confirmed by the Assistant Court of Appeal, or where the person appealing has been sentenced by the Assistant Court of Appeal to imprisonment without payment of a fine, the following provisions shall be complied with :

Provisions to be complied with by appellant.

(i.) the appellant shall be detained in custody until he shall enter into the recognizance or give the security mentioned in the preceding section of this Act, and

Assistant Court of Appeal Act.

(ii.) the amount of the penal sum to be inserted in such recognizance or to be deposited as security shall be fifty pounds.

(2) In all other cases of appeal the amount of the penal sum to be inserted in the recognizance or deposited as security shall be twenty five pounds,

Proceedings af-
ter recognizance.

71. Immediately after such court fees have been paid and such recognizance entered into or deposit made as by the preceding section of this Act is required, all proceedings in relation to carrying into effect the decision appealed from shall be stayed, and the clerk of the Assistant Court of Appeal shall in cases of appeal where the person appealing has been sentenced by the Assistant Court of Appeal to imprisonment without payment of a fine, within three days, and in all other cases of appeal, within seven days after taking such recognizance, transmit to the clerk of the Court of Error a certified copy under the hand of one of the Judges of the Assistant Court of Appeal of all proceedings and evidence taken in the action or other proceedings in which the appeal is made; and the Judges shall hand to their clerk to be by him transmitted to the clerk of the Court of Error, with the proceedings and evidence, a statement in writing shewing their and each of their reasons for giving the decision appealed from.

Copies of pro-
ceedings, &c.,
how obtainable.

72. Each party to an appeal shall be entitled to obtain from the clerk of the Court of Error, upon payment of the proper fee, a certified copy of the proceedings and evidence transmitted to him by the clerk of the Assistant Court of Appeal, and also of the Judges' reasons; and such copy is to be furnished by the clerk of the Court of Error within seven days after receiving the fee for the same.

Appointment of
a day for
hearing.

73. (1.) The clerk of the Court of Error shall upon receiving such proceedings, evidence, and reasons as aforesaid, obtain an appointment from the Chief Justice of an early day for hearing the merits of the appeal, and shall forthwith inform the appellant of the day appointed, and issue a citation under the seal of the Court, directed to the Provost Marshal of this Island, or his lawful deputy, to execute, calling upon the respondent to appear to and answer the said appeal; and the Provost Marshal, or his lawful deputy, shall execute the citation by personally notifying the respondent to attend the Court on the day mentioned therein, or by leaving a copy of the citation with some person at the last known place of abode or business of the respondent, and the deputy serving the

Notice to appel-
lant and citation
of respondent.

Assistant Court of Appeal Act.

citation shall attend the sitting of the Court to prove service thereof, if necessary.

(2.) The clerk of the Court of Error shall at the time of issuing the citation mentioned in the preceding section likewise issue under the seal of the Court to any person who has produced in evidence before the Judges of the Assistant Court of Appeal, on the hearing of the case in respect of which such citation is issued, a document which has been returned to the custody of such person, a summons to produce such document. Summons to produce document.

Powers of the Court of Error.

74. The Court of Error shall have power to adjourn the hearing of any appeal from time to time as to the Court shall seem fit, and to make such order on the adjudication of any such appeal upon any points of law as to the Court shall seem fit; provided always that the Court of Error shall not have power to entertain any appeal from any judgment or decision of the Assistant Court of Appeal of this Island upon any question of fact. Power to adjourn and to make orders on points of law but not on points of fact.

75. The Court of Error may, on the hearing of any appeal, make such order as to the costs of the appeal as to the Court shall seem fit; provided always that whenever an appeal is brought before the Court of Error which the Court has no power to entertain, the Court shall have power to award costs in the same manner, to the same extent, and recoverable in the same manner, as if the Court had power to entertain such appeal. Power as to costs.

76. The clerk of the Court of Error shall upon a decision being given by the said Court on the hearing of any appeal certify the same to the clerk of the Assistant Court of Appeal, and the Judges of the Assistant Court of Appeal shall thereupon in cases within the original legal jurisdiction of that Court proceed to carry such decision into effect in the same manner as if the same had been a decision of that Court; and shall also issue execution for any costs awarded by the Court of Error on the hearing of the said appeal; but in cases within the appellate jurisdiction of the Assistant Court of Appeal the clerk of the said Court shall in his turn certify such decision of the Court of Error to the Police Magistrate or Judge of the Petty Debt Court who gave the original decision, and he shall carry the same into effect as if it had been his decision, and shall also issue execution for any costs awarded by the Court of Error on Decision of Court how carried into effect.

Assistant Court of Appeal Act.

the hearing of the appeal. Provided always that the Court of Error, may, if it shall think fit, carry its judgment or order into effect.

Scale and taxation of costs.

77. The costs on an appeal to the Court of Error shall be according to the scale of fees in schedule D to this Act; and shall, on the application of either of the parties to the appeal, be taxed by the clerk of the said Court, whose taxation shall on the like application be subject to review by the Judge of the said Court.

Appeals to the Court of Chancery.

Appeals to Court of Chancery in equitable cases.

78. If any party in any suit or matter within the equitable jurisdiction of the Assistant Court of Appeal is dissatisfied with the decision of the Court on any matter of law or equity, but not on facts, such party may appeal therefrom to the Court of Chancery for this Island.

Notice of appeal and recognizance.

79. Any person desirous of appealing from a decision of the Assistant Court of Appeal as provided by the last preceding section shall within fourteen days after the decision is given, from which an appeal is about to be made, give notice of his intention to appeal to the other party, and shall also within the same period enter into a recognizance in Form II. in schedule C to this Act before the Registrar of the Court of Chancery, with one surety in the sum of fifty pounds conditioned to appear and prosecute such appeal, and to abide the judgment of the Court of Chancery thereon, and to pay such costs as may be awarded against him by the said Court; or the appellant may, instead of entering into a recognizance, give other security by a deposit of the sum of fifty pounds with the Registrar of the said Court.

Duty of Registrar.

80. The Registrar of the Court of Chancery shall immediately after such recognizance shall be entered into, or deposit made, certify the same to the clerk of the Assistant Court of Appeal, and thereupon all proceedings in relation to carrying into effect the decision appealed from shall be stayed; and the appellant shall within fourteen days after such recognizance given, or deposit made as aforesaid, file with the Registrar a special case to be agreed on by both parties to the appeal, or their counsel; and if the said parties or their counsel cannot agree, or if either of the said parties or his counsel shall neglect or refuse to settle the case, then and in either of the said cases the Judges of the Assistant Court of Appeal shall on being applied to by either of the said parties, or his counsel, settle the case, and sign it, and the

Special case to be filed.

Assistant Court of Appeal Act.

time for filing the same with the Registrar shall in that event be enlarged to twenty eight days after recognizance given or deposit made.

81. Immediately upon any special case being filed with the Registrar as by the preceding section of this Act is required, he shall set down the appeal for hearing at the expiration of two weeks from that time, in the same manner as causes are set down for hearing in the Court of Chancery. Setting down of appeal for hearing.

82. The Court of Chancery on the hearing of any appeal may make such order as to the costs of the appeal as to the Court shall seem fit ; provided always that whenever an appeal is brought before the Court of Chancery which the Court has no power to entertain, the Court shall have power to award costs in the same manner, to the same extent, and recoverable in the same manner, as if the Court had power to entertain such appeal. Power of Court as to costs.

83. The Registrar shall upon judgment being given on the hearing of any appeal transmit to the clerk of the Assistant Court of Appeal a certified copy of the order or minute of Court thereon ; and the Judges of the Assistant Court of Appeal shall thereupon proceed to carry such judgment into effect in the same manner as if the same had been a decision of that Court ; and shall issue any process or proceeding necessary to recover and enforce payment of any costs awarded by the said Court of Chancery on the hearing of the appeal. Judgment how carried into effect.

84. The costs upon an appeal to the Court of Chancery shall be according to a scale of fees to be framed by the Vice Chancellor, and shall, on the application of either of the parties to the appeal, be taxed by the Registrar. Scale and taxation of costs.

Miscellaneous provisions.

85. All fees received by the clerk of the Assistant Court of Appeal or the Provost Marshal shall be paid by him into the Public Treasury for the uses of the Island. Disposal of fees received by clerk or Provost Marshal.

86. All sums of money received by the clerk of the Assistant Court of Appeal as security by way of deposit in lieu of a recognizance shall be held by him to abide the result of the appeal, and shall thereafter be paid and applied by him in accordance with the order of the Court in that behalf. Disposal of sums deposited with clerk as security.

Assistant Court of Appeal Act.

Disposal of sums deposited with Registrar as security.

87. All sums of money received by the Registrar of the Court of Chancery as security by way of deposit in lieu of recognizance shall be held by him to abide the result of the appeal, and shall thereafter be paid and applied by him in accordance with the order of the Court in that behalf.

Application of sums recovered under recognizances.

88. All sums of money recoverable under any recognizance under this Act shall be paid and applied, in the first place, in payment of the costs (if any) incurred in enforcing the recognizance; in the next place, in payment of the costs (if any) awarded against the principal party to such recognizance; and the balance of the said money (if any) is to be paid into the Public Treasury for the uses of this Island.

Schedule D applies only between party and party.

89. The scale of fees contained in schedule D to this Act shall be simply as between party and party and not as between solicitor and client.

PART V.—MISCELLANEOUS PROVISIONS.

Contempt of Court.

90. If any person shall wilfully insult any Judge of the Assistant Court of Appeal during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of the said Court, or otherwise misbehave in Court, it shall be lawful for any officer of the Court, with or without the assistance of any other person, by the order of the Court, to take such offender into custody and detain him till the rising of the Court; and the said Court shall be empowered, if they shall think fit, by warrant under the hands of the Judges thereof or of a majority of them, to commit any such offender to prison for any time not exceeding seven days, or to impose upon any such offender a fine not exceeding five pounds for every such offence, and in default of payment thereof to commit the offender to prison for any time not exceeding seven days, unless the said fine be sooner paid.

Position of clerk and audit of his accounts.

91. The clerk of the Assistant Court of Appeal shall in all respects conform with the rules and orders made by the Judges of the said Court under this Act; and all accounts kept by the said clerk in the discharge of his duties shall be at all times open to the inspection and supervision of the Auditor General, who is hereby required to inspect the same once in each quarter.

Where Court is to sit.

92. The Assistant Court of Appeal shall hold its ordinary sittings at the Town Hall in Bridgetown, but it shall be lawful for the Judges of the said Court, either at

Assistant Court of Appeal Act.

stated periods or whenever the business before them shall require it, to hold the said Court at any one of the district station-houses in this Island.

93. If in any case the appellant is unable before he is committed to prison to enter into the recognizance required by section fifty five or by section seventy of this Act (as the case may be), on his surety or sureties (as the case may be) entering into such recognizance, notice of the same having been entered into by him or them shall be sent by the person before whom such recognizance has been entered into to the gaoler or other person in whose custody the appellant may be, and on such notice being received the gaoler or such other person as aforesaid shall cause the appellant to be taken without delay to the person before whom such recognizance is to be entered into in order that the appellant may enter into the recognizance and be released from custody, unless detained for some other cause than that with reference to which the appeal has been made.

Taking of recognizance where appellant is in prison.

94. Any sum which may become due in pursuance of any recognizance or deposit given or made under the provisions of this Act shall be recovered in a summary manner before a Police Magistrate, on complaint of the clerk of the Court directing such recognizance or deposit to be given or made, who is hereby required to enforce the same, and shall be paid into the Public Treasury to the credit of the general revenue.

Recovery of sums due under any recognizance.

95. Any person desirous of appealing from the decision of the Assistant Court of Appeal shall be entitled to have on application to the said Court, before which any proceedings are had, copies of such proceedings on payment of eight shillings and four pence and no more to the clerk of the said Court furnishing the same as a compensation to such clerk for his trouble in making such copies; and the Court before whom such proceedings are had is hereby required to deliver such copies within five days after application shall be made for the same, under a penalty not exceeding five pounds, to be recovered in a summary manner before a Police Magistrate on the complaint of the person aggrieved.

Copy of proceedings how obtained from clerk of the Court.

96. On the hearing of an appeal from an order made by a Police Magistrate for payment of money not being in the nature of a penalty for an offence, the Assistant Court of Appeal shall have the same power to award compensation to witnesses as the Police Magistrate who made the order.

Compensation to witness.

Assistant Court of Appeal Act.

Clerk of Court may sign summons or take affidavit.

97. Any summons or affidavit of service required to be issued, taken, or made by or before the Assistant Court of Appeal, or a Judge thereof, may be signed, issued, taken or made by or before the clerk of the Assistant Court of Appeal; and any summons or affidavit of service signed, issued, taken or made, by or before such clerk shall be as valid for all purposes as if it had been signed, issued, taken, or made by or before the Assistant Court of Appeal, or a Judge thereof.

SCHEDULE A.

	S.	D.
Lodging appeal with clerk of Court	3	0
Summoning appellant and respondent, each	0	8
Examination of ditto, each	0	8
Summoning each witness	0	8
Examination of each witness	0	8
Commitment of a person for contempt	4	0
Liberation of such person	4	0
Special writ for appearance of witness, or otherwise	8	0
Execution	3	0

SCHEDULE B.

Recognizance to appear, &c.

A.B.	...	...	...	...	Complainant.
C.D.	...	...	...	...	Defendant.

Whereas C.D.; the undersigned principal party to this recognizance, hereby binds himself to perform the following obligation, namely, to appear at the Assistant Court of Appeal and prosecute his appeal in a case wherein A.B. is complainant and C.D. is defendant for (*here set out offence, and with time and place*), and abide the decision of the Court thereon by paying a fine if imposed on him, or surrendering himself to prison for the time imposed on him (as may be), and pay all costs consequent on such appeal. The said principal party together with the undersigned sureties hereby severally acknowledge themselves to forfeit to the Crown the sums following, namely, the said principal party the sum of £50, and the said sureties the sum of £25

Assistant Court of Appeal Act.

FORM II.

BARBADOS.

IN CHANCERY.

A.B.....Appellant.

C.D.....Respondent.

Whereas A.B., the undersigned principal party to this recognizance, hereby binds himself to perform the following obligation, namely, to appear and prosecute an appeal to the Court of Chancery from the decision of the Assistant Court of Appeal (or of one, or as may be, of the Judges of the Assistant Court of Appeal at chambers), made in the exercise of the equitable jurisdiction of that Court, on the day of _____ in a case in which _____ was plaintiff, and _____ was defendant; and to abide the judgment of the said Court of Chancery thereon; and to pay such costs as may be awarded against him by the said Court; the said principal party together with the undersigned E.F., surety, hereby severally acknowledge themselves to forfeit to the Crown the sum of fifty pounds each in case the said principal party shall fail to perform the above obligation.

(Signed)

A.B. (principal party).

E.F. (surety).

Taken before me this _____ day of _____ 19____

(Signed)

G.H.

Registrar in Chancery.

SCHEDULE D.

Fees to be allowed Solicitors on appeals to the Court of Error.

	£	s.	d.
Preparing notice of appeal to be served on respondent.....	5	0	
Preparing the recognizance.....	6	8	
Ordering and taking up citation for respondent ..	3	4	
Drawing brief for counsel	1	0	0
Making copy do. do.	10	0	
Attending Court on hearing	13	4	
Attending any adjourned hearing ..	6	8	
Attending to tax a bill of costs ..	2	6	
Attending before Chief Justice on a review of clerk's taxation.....	5	0	

*Assistant Court of Appeal Act.**Fees to be allowed Counsel on an appeal to the Court of Error.*

	£	s.	d.
Fees with brief.....	2	2	0
Refresher on any adjourned hearing.....	1	1	0

Court Fees.

	£	s.	d.
Taking recognizances	8	4	
For copying proceedings, evidence, etc., per folio of 90 words		6	
Attending Chief Justice, obtaining ap- pointment of early day for hear- ing and notifying appellant thereof under section 73. (1)	2	0	
Issuing every citation not to contain more than three names	5	0	
Issuing a summons under section 73 (2)	5	0	
On final order made on the hearing of an appeal	5	0	
Certifying same to clerk of the Assistant Court of Appeal	2	6	

Fees to be allowed Provost Marshal.

	£	s.	d.
Executing a citation ; for each respondent	5	0	
For executing a summons under section 73 (2)	5	0	

1900—5.

Omnibus, Livery, and Hackney Carriage Act.

1900—5.

An Act to provide for the Licensing and use of Omnibuses, Livery Carriages, and Hackney Carriages.

[9th November, 1900.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Omnibus, Livery, and Hackney Carriage Act, 1900.

Definitions.

Definitions.

2. In this Act, unless the context otherwise requires,

“omnibus” shall mean every omnibus, wagonette, brake, stage coach, and other carriage plying or standing for hire by or used to carry passengers at separate fares to or from or in any part of the Island; but shall not include any tram-car belonging to the Barbados Tramways Company, Limited, or any livery or hackney carriage.

“livery carriage” shall mean any carriage starting from, and previously hired for the particular passengers thereby carried at, any livery stable yard whereat horses are stabled and carriages let for hire, the said carriage starting from the said stable yard and being *bona fide* the property of the owner thereof and not standing or plying for hire; but shall not include any omnibus or hackney carriage.

“hackney carriage” shall mean any carriage for the conveyance of passengers which plies for hire and is not an omnibus or a livery carriage.

“horse” shall include mule.

Licensing and inspection.

License, how obtained.

3. (1.) Any person desirous of obtaining a license to keep, use, and let to hire any carriage as an omnibus, livery, or hackney carriage, must apply in writing to the Inspector General of Police, in order that he may cause an inspection to be made of such carriage, and if the same shall be found to be in a fit and proper condition for public use he shall grant a certificate to that effect, and shall specify in such certificate the number of persons to be carried in and by such carriage and the number of horses by which

Omnibus, Livery, and Hackney Carriage Act.

such carriage is to be drawn, in the form to this section annexed; and upon the production of such certificate to the Treasurer of the Island, and upon payment of the fee hereinafter specified, a license in writing shall be granted by the said Treasurer to keep, use, and let to hire, for twelve months next ensuing, the carriage mentioned in such certificate; and every such license shall be numbered, and the description of the carriage, and the number of persons to be carried, and the number of horses by which the carriage is to be drawn shall be set forth in every such license.

Form of Certificate.

I do hereby certify that on application of Form of Inspector or General's certificate of the fitness of a carriage for hire.
 now living at I have
 caused the carriage known by the following marks or description (*here state marks or description by which the carriage may be identified*) to be inspected, which the said carriage for hire.
 desires to use and let to hire as (an omnibus, livery or hackney carriage), and I certify that the said carriage is in a fit and proper condition for public use, that persons are to be carried thereby and that it is to be drawn by horses.

(Signed)

Inspector General of Police.

(2.) The fees to be paid for licenses shall be at the following rates: for a carriage to be drawn by two or more horses, ten shillings; and for a carriage to be drawn by one horse, five shillings Fees to be paid for licenses.

4. (1.) It shall be lawful for the said Inspector General of Police to cause an inspection to be made once in every three months, or oftener if he deem it necessary, of every licensed omnibus, livery, and hackney carriage, and of the horse or horses used in drawing the same; and if any such carriage, or the horse or horses used in drawing the same, shall at any time be in a condition unfit for public use, the said Inspector General shall give notice in writing to the proprietor thereof in the form to this section annexed, which notice shall be personally served on such proprietor, or delivered at his usual place of residence; and if after such notice any proprietor shall use or let to hire such carriage as an omnibus, livery, or hackney carriage, or use or let to hire such horse or horses, whilst in a condition unfit for public use, the said Inspector General shall have power to suspend, for such time as he may deem proper, the license of the proprietor of such carriage. Carriages to be inspected periodically.

*Omnibus, Livery, and Hackney Carriage Act.**Form of Notice.*

Form of certificate of the unfitness of a carriage.

I do hereby certify that I have caused the carriage now used and let to hire as a (omnibus, livery or hackney carriage) and known by the following marks (*here state marks or description by which the carriage may be identified*), and the horses used in drawing the same to be inspected, and find the said carriage and horses (*as the case may be*) not to be in a fit and proper condition for public use (*here state the defect*); and I do hereby suspend the license granted to _____ to keep and use the said carriage until the defects are remedied.

(Signed)

Inspector General of Police.

Penalty for neglect or refusal to submit carriages to inspection.

(2) If the proprietor of any omnibus, livery, or hackney carriage shall neglect or refuse to submit for inspection his carriage, and the horse or horses used in drawing the same, at such times and in such manner as aforesaid, he shall for each neglect or refusal be liable to a penalty not exceeding one pound; and in addition to such penalty the Inspector General of Police shall have power to suspend the license of such proprietor until the carriage and horses shall be submitted for inspection.

An inspector of carriages to be appointed.

5. (1.) The Inspector General of Police is hereby empowered to appoint for each parish some competent person to be inspector of carriages and horses under this Act.

Remuneration to inspector of carriages and horses.

(2) The inspector shall be entitled to the following fees, that is to say, two shillings for the inspection to obtain a license for a carriage, and one shilling for each subsequent inspection of such carriage during the continuance of the license, such fees to be paid by the proprietors of carriages and horses at the time of inspection.

Penalty on letting carriages for hire without license, or after being declared unfit.

6. Every proprietor of an omnibus, livery, or hackney carriage who shall use or let the same to hire without having obtained a license for that purpose, as required by this Act, or who, having obtained such license, shall, after notice given to him as hereinbefore directed by the said Inspector General that such carriage or the horse or horses used in drawing the same are no longer in a fit and proper condition for public use, use or let the same to hire, shall be liable to a penalty not exceeding one pound for each day that he shall so use or let to hire such carriage, or horse or horses, or in default of payment be imprisoned for any time not exceeding three months in the whole.

*Omnibus, Livery, and Hackney Carriage Act.**Fares—hackney carriage.*

7. (1.) The proprietor or driver of any licensed hackney carriage shall be entitled to demand and take for the hire of such carriage the fares set forth in the form to this section annexed; provided always that when the proprietor or driver of any hackney carriage to be paid a fare calculated according to the distance shall be required by the hirer thereof to stop such carriage for fifteen minutes, or for any longer time, it shall be lawful for the proprietor or driver to demand and receive from the hirer, so requiring him to stop, a further sum (above the fare to which he shall be entitled, calculated according to the distance) of six pence for every fifteen minutes completed that he shall have been so stopped and no proprietor or driver shall demand or receive over and above the said fare any sum for or by way of back fare for the return of such carriage from the place at which such carriage shall be discharged.

Hackney carriage fares.

FARES.

Description of carriage :	Fare by distance		Fare by time.	
	For any distance not exceeding two miles :	For any distance exceeding two miles :	For any time within and not exceeding one hour :	
For any hackney carriage with four or two wheels drawn by one horse.	Sixpence for each adult person and three pence for each child under 10 years of age, for each or any part of a mile within the first two miles.	At the rate of one shilling for each adult person and six pence for each child under 10 years of age, for every mile or part of a mile beyond the first two miles.	Two shillings for one adult person and if more than one adult person, one shilling for each additional person; Children under 10 years of age, half fare.	And for every hackney carriage drawn by two horses, one half above the rates and fares hereinbefore mentioned.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare to be paid according to distance.

Provided that no driver shall be compelled to let to hire his carriage for a fare to be paid according to time at any time after eight o'clock in the evening and before six in

Omnibus, Livery, and Hackney Carriage Act.

the morning ; but if after the hour of eight o'clock in the evening any hackney carriage be found on a stand provided for carriages, the driver thereof may be compelled to hire the same at the rate of ninepence per mile or part of a mile not exceeding two miles, and if exceeding two miles at the rate of one shilling and sixpence per mile or part of a mile after the first two miles, for each adult person ; and children under ten years of age, half price.

Table of fares to be exhibited in carriage.

(2.) The Treasurer of this Island shall furnish, with every license granted under this Act to the proprietor of any hackney carriage, a card on which shall be printed the name of the owner, the number of the license, the number of persons to be carried, the number of horses by which the carriage is to be drawn, and the schedule of fares referred to in the preceding subsection ; and every such proprietor shall, under a penalty not exceeding forty shillings, have the said card affixed on the inside of such carriage so as to be seen distinctly at all times by the persons travelling in such carriage.

(3) The owner of every hackney carriage shall, under a penalty not exceeding forty shillings, cause the number of every such hackney carriage to be legibly painted in black figures of one and a half inches on white circular ground of two and a half inches diameter on the back of such carriage.

Fares—livery carriages.

Livery carriage fares.

8. The fare to be charged for the use of a livery carriage shall be such as shall be agreed upon by the owner and the passenger ; but shall not exceed two shillings per mile or eight shillings per hour, at the option of the hirer.

Fares—omnibuses.

Omnibus fares.

9. (1) The fare to be charged by the owner or driver of an omnibus shall not exceed two pence for each passenger for each mile, or part of a mile.

Card to be exhibited shewing fares, no. of license, name of owner, and no. of passengers to be carried.

(2) The owner or driver of every omnibus shall, under a penalty not exceeding forty shillings, have affixed on the inside of the omnibus, so as to be clearly visible to the passengers, a card or board on which shall be stated in legible characters the name of the owner, the number of the license, the number of passengers to be carried, the number of horses by which the omnibus is to be drawn, and the fares to be charged.

Omnibus, Livery, and Hackney Carriage Act.

(3) The owner of every omnibus shall, under a penalty not exceeding forty shillings, cause the number of the license for such omnibus to be legibly painted on the outside of the right and left sides of such omnibus. Number of license to be painted on both sides.

Licensing of drivers.

10. (1.) No person shall act as a driver of an omnibus, livery carriage, or hackney carriage until he shall have obtained a license from the Inspector General of Police authorising him to do so. Any person acting as such driver as aforesaid shall be liable to a penalty not exceeding five shillings for every day that he shall act as such driver. Driver to be licensed.

(2) Any person desiring to obtain a license to drive an omnibus, livery carriage, or hackney carriage shall apply to the Inspector General of Police who shall grant such license if he is satisfied that the applicant is of good character, competent, and not suffering from any loathsome, infectious, or contagious disease. License, how obtained.

(3.) The license granted to any driver by the Inspector General of Police shall be made terminable on the fifteenth day of January in the year next succeeding the year in which it was issued, and shall be in the following form : Duration and form of license.

License.

You.....of.....
in the parish of.....are hereby authorised
to drive an omnibus, hackney carriage, or livery carriage
until the 15th day of January.....

Dated this.....day of.....19

.....

Inspector General of Police.

(4.) If any licensed driver is convicted of a third or subsequent offence against the provisions of this Act the Magistrate may, in addition to any other punishment which he may impose, order the license to be forfeited. Forfeiture of license.

(5.) The Inspector General of Police shall keep a record of all licensed drivers, and of the convictions of such drivers for breaches of the provisions of the Acts of this Island. The clerk of every Police Magistrate shall forward to the Inspector General of Police a copy of every conviction of a licensed driver; and the Inspector General of Police shall furnish such clerks with the names of licensed drivers. Convictions of licensed drivers to be recorded.

*Omnibus, Livery, and Hackney Carriage Act.**Carriage of baggage.*

To carry reasonable baggage without extra charge.

11. The driver of every livery and hackney carriage shall carry in or upon such carriage a reasonable quantity of luggage for every person hiring such carriage without any additional charge.

Disposal of left property.

Property left in hackney carriages how to be disposed of.

12. The driver of every omnibus, livery, or hackney carriage wherein any property shall be left by any person shall, within twenty four hours, carry such property, if not sooner claimed by the owner thereof, in the state in which he shall find the same, to the police station of the district in which he resides, and shall there deposit and leave the same with the officer on duty, upon pain that every such driver making any default herein shall be liable to a penalty not exceeding ten pounds, and the officer with whom any such property shall be deposited shall forthwith enter in a book to be kept for that purpose the description of such property, and name and address of the driver who brought the same, and the number of his carriage and the day on which it shall be brought; and the property so entered shall be returned to the person who shall prove to the satisfaction of the Inspector General of Police that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver who brought the same, not exceeding five per centum of the estimated value, as the said Inspector General shall award: and if such property shall not be claimed by and proved to belong to some person within one month after the same shall have been deposited as aforesaid, the said Inspector General shall cause such property to be sold or otherwise disposed of, and the proceeds thereof to be paid over to the Public Treasury for the uses of the Island, all expenses incurred about such property, together with such reasonable sum to the driver who brought the same as the said Inspector General shall award, being first paid thereout.

Offences.

By drivers of omnibuses, livery carriages, and hackney carriages.

13. Every driver of an omnibus, livery carriage, or hackney carriage who shall

(1.) demand more than the proper or agreed-upon fare; or

Omnibus, Livery, and Hackney Carriage Act.

- (2.) refuse to carry the number of persons allowed to be carried ; or
- (3.) carry more than the number of persons allowed to be carried ; or
- (4.) be drunk while in the discharge of his duty as such driver ; or
- (5.) smoke when carrying passengers ; or
- (6.) be improperly clothed ; or
- (7.) make use of any improper or insulting or disrespectful language to any person applying to him to be carried, or to any passenger, or while driving any passenger, or to any passenger whom he has set down ; or
- (8.) refuse to show his license when required to do so by any passenger, intending passenger, or police constable ; or
- (9.) let to hire, or ply for hire with, a vehicle or horse which is unfit for use ; or
- (10.) drive a smaller number of horses than the number specified in the license ;

shall be liable to a penalty not exceeding forty shillings.

14. Every driver of a hackney carriage who shall By drivers of hackney carriages.

- (1.) refuse to hire such carriage to any person desiring to hire the same ; or
- (2.) refuse to drive such carriage to any place to which he shall be required to drive any person hiring, or intending to hire, such carriage ; or
- (3.) not drive the same at a speed of not less than six miles an hour, except in cases of unavoidable delay ; or
- (4.) refuse to drive at a slower pace when required by the hirer to do so ; or
- (5.) refuse to carry for a passenger a reasonable quantity of luggage ; or
- (6.) ply for fares other than at and on the stands allotted for hackney carriages ;

shall be liable to a penalty not exceeding forty shillings.

15. Every proprietor or driver of a livery carriage who shall By drivers of livery carriages

- (1.) refuse to carry for a passenger a reasonable quantity of luggage ; or

Omnibus, Livery and Hackney Carriage Act.

(2.) refuse, without sufficient excuse, to let to hire a carriage and horse, or horses, to any person desiring to hire the same; or

(3.) stand or ply for hire on any highway, street, road, or public place, or at any place other than the stable at which such carriage is kept;

shall be liable to a penalty not exceeding forty shillings.

By drivers of omnibuses.

16. The driver of an omnibus shall not, under a penalty not exceeding forty shillings, ply for fares except at his allotted stand.

Penalty on other offences.

17. For every offence against the provisions of this Act, for which no special provision is made, the offender shall be liable to a penalty not exceeding forty shillings.

Regulations.

Regulations.

18. (1.) The Governor-in-Executive Committee may make regulations concerning any of the matters and things contained in this Act and such regulations when they have been published in the Official Gazette shall have the force of law.

(2.) Any person who shall infringe any of such regulations shall be liable to a penalty not exceeding twenty pounds.

Recovery of penalties.

Recovery of penalties.

19. Where not otherwise provided for, all offences and penalties under this Act may be prosecuted and recovered in a summary manner before a Police Magistrate on the complaint of any person, and shall be paid one half into the Treasury, and the other half to the complainant.

Jurisdiction of city Magistrates.

Jurisdiction of the Magistrates under this Act.

20. It shall be lawful for any one of the Police Magistrates for the city of Bridgetown to hear and determine all offences against the provisions of this Act, whether the same be committed within or without the limits of his jurisdiction, and also all disputes or causes of complaint that may arise out of the same; but this section shall not be construed to deprive any other Magistrate of his jurisdiction in case the complaint shall be lodged before him.

Omnibus and hackney carriage stands.

Stands for the

21. It shall be the duty of the Commissioners of High-

Omnibus, Livery and Hackney Carriage Act.

ways for the city of Bridgetown and for the several parishes to fix and appoint stands for the omnibuses and hackney carriages, plying for fares, in some convenient places within the said city or parishes, and to report the same to the Inspector General of Police whose duty it will be, by aid of the police, to enforce conformity with the regulation.

carriages to be fixed by Road Commissioners.

1900—6.

An Act to consolidate and amend the Acts of this Island relating to Parish Constables.

[December 1, 1900.]

BE, it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Parish Constables Short title. Act, 1900.

2. The word “constable” in this Act shall mean Definition “parish constable.”

3. (1.) The Governor may from time to time on the Appointment recommendation of the Inspector General of Police appoint and dismissal fit and proper persons to serve as constables for the several parishes, or for this Island; and he may also dismiss such persons from the office of constable.

(2.) No person shall be recommended by the Inspector General of Police for appointment unless Qualifications for appointment

(a) he is twenty one years of age;

(b) he shall produce satisfactory proof of good character for energy, ability, and honesty.

(3.) The person so appointed shall be enrolled by Enrolment. the Inspector General of Police or Police Magistrate of the parish, subject to the following conditions:—

(a) he shall take and subscribe the oath of allegiance, and the oath of office provided in the Promissory Oaths Act, 1870;

(b) he shall produce a certificate of appointment in the form hereto annexed which shall be signed by the Governor.

Certificate of Appointment.

I.....Governor of Barbados,
hereby certify that.....

Parish Constables Act.

of..... has been appointed by
me to the office of Constable for the parish [or Island] of
.....

Dated this.....day of.....

.....
Governor.

Penalty on
acting before
enrolment.

(4.) No person shall, under a penalty not exceeding five pounds, act as a constable until he has been enrolled.

Constable's
staff.

4. Every constable shall, on appointment, be provided with a staff at the public expense, which he shall deliver up to the Inspector General of Police within two days after vacating the office of constable under a penalty not exceeding one pound.

Suspension.

5. The Inspector General of Police is hereby authorised to suspend any such constable from his office for any dereliction or neglect of duty, and to report such suspension to the Governor, who may dismiss or reinstate such constable.

Vacation of
office (1) by
change of
residence ;
(2) by resignation.

6. (1.) Any constable who shall go to reside in any parish other than that for which he was appointed as constable shall vacate his office.

(2.) Any constable may resign his office by giving seven days' notice in writing to the Inspector General of Police of his intention so to do.

Notification of
change of
residence.

7. Every constable appointed under this Act shall, under a penalty not exceeding twenty shillings, give notice to the police sergeant, or other person in charge of the district police station, within three days after removal, of any change of residence either to another place in the same parish, or to another parish.

Neglect of duty
—penalty for.

8. Every constable who shall wilfully neglect the duties of his office shall be liable, for each offence, to a penalty not exceeding five pounds.

Remuneration.

9. (1.) Every constable shall, in all cases in which he shall execute any writ, summons, or other process, be entitled to the fees mentioned in this section, and shall be invested with all powers, authorities, and immunities incident and belonging to the office of constable generally in the district for which he shall be appointed. Provided, nevertheless, that nothing herein contained shall be construed to extend to or require the attendance of any constable at the Court of Common Pleas, or the Court of Grand Sessions, unless specially summoned thereto.

*Parish Constables Act.**Constables' fees.*

	s.	d.
Executing a warrant (other than a search warrant)		
for each person included	2	0
Executing a special writ	4	0
Executing a summons for each person	1	0
Executing a search warrant	3	0
Levying an execution	2	0

(2.) Every constable shall be entitled to be paid two shillings for each case in which he shall legally apprehend and convey to prison any offender or convey to prison any offender who has been legally apprehended by another person, and also two shillings for each day subsequent to the day of apprehension and conveyance of, or of information against, any offender, on which he shall have properly attended in his capacity as a constable at a Magistrate's Court, or at the Assistant Court of Appeal, or at the Court of Grand Sessions to give evidence against any offender. Provided always that no constable shall be entitled to be paid for such services as aforesaid when the complaint shall have been dismissed unless from any special circumstances connected with the case the Court shall see fit to return him for payment.

(3.) The several Police Magistrates shall give to each constable a certificate of the cases in which he shall have been engaged in apprehending and conveying, or conveying as the case may be, offenders to prison, and the number of days on which he shall have been required to attend, and shall have so attended, at their Courts to give evidence against offenders and in respect of which he shall be entitled to be paid for the same, and of all other fees allowed by this Act which such constable shall be entitled to receive under this Act, and the clerk of the Assistant Court of Appeal and the Registrar respectively shall give a certificate to each constable of the number of days he shall have been required to be in attendance, and shall have attended, to give evidence at the Assistant Court of Appeal or the Court of Grand Sessions, and in respect of which he shall be entitled to be paid for the same. The several clerks of the Police Magistrates of the districts to whom the same relate shall, upon presentation of such certificates given either by the Police Magistrate or the clerk of the Assistant Court of Appeal or the Registrar as aforesaid, pay out of the fees and fines of their office the respective amounts appearing due thereon to the said constables, and shall at the next monthly accounting to the Colonial Treasurer for the fees and fines received by them return the

Parish Constables Act.

certificates to the said Treasurer who shall allow the sums paid to the constables as aforesaid.

Liability of
prosecutor.

(4.) Where a constable conveys an offender to prison, such offender having been apprehended by another person and handed over to the constable to be conveyed to prison, and the offender is subsequently discharged for want of prosecution, or the complaint is dismissed on the merits, then the person so handing over the prisoner to the constable shall be liable to pay the constable a fee of two shillings for each offender so conveyed, which fee may be recovered on the complaint of the constable before a Police Magistrate in a summary manner.

Enrolment as
special constables
under the
Police Act, 1908.

10. (1.) The Inspector General of Police is hereby authorised, with the sanction of the Governor, to summon and enrol constables appointed under this Act as special constables under the Police Act, 1908.

(2.) Any constable, who shall without lawful excuse refuse or neglect to attend and be enrolled as a special constable as aforesaid, shall be liable to a penalty not exceeding ten pounds.

(3.) The constables so enrolled as aforesaid shall be considered to all intents and purposes as belonging to the police force, and shall be subject to the rules, regulations, and orders for the good government of the police force, and to all the provisions of the Police Act, 1908 relating to the discipline, punishment, powers, and immunities of the regular members of the police force.

(4.) The remuneration of constables enrolled as special constables as aforesaid shall be according to a scale to be settled by the Governor-in-Executive Committee, and shall be paid from the Public Treasury on the warrant of the Governor-in-Executive Committee.

Protection of
constables
executing
process.

11. When any action shall be brought against any constable for any act done in obedience to the writ or warrant of any Magistrate, such constable shall not be responsible for any irregularity in the issuing of such warrant or writ, or for any want of jurisdiction in the Magistrate issuing the same, and such constable may plead the general issue, and give such writ or warrant in evidence; and upon producing such writ or warrant, and proving that the signature thereto is the handwriting of the person whose name shall appear subscribed thereto, and that such person is reputed to be and acts as a Magistrate for the city or such parish or district, as the case may be, and that the act complained of was done in obedience to such writ or

Parish Constables Act.

warrant, the Jury or Court who shall try the issue shall find a verdict for such constable, who shall recover his costs of suit.

12. The Inspector General of Police shall prepare and issue to constables printed copies of this Act and of practical directions for their guidance in the execution of the office of constable. Practical directions for guidance of constables.

13. Whosoever shall assault, obstruct, or resist any constable in the execution of his duty, or any person acting in aid of such constable, or shall aid or incite any person so to assault, obstruct, or resist, shall be liable on conviction before a Police Magistrate to be imprisoned and kept to hard labour for any period not exceeding six months, or to pay a fine not exceeding ten pounds; provided that if the Magistrate shall be of opinion that the offence is a fit subject for a prosecution by indictment, he shall commit the offender to take his trial at the Court of Grand Sessions. Assaulting &c., constables—penalty.

14. All offences and penalties under this Act, where not otherwise provided for, shall be prosecuted and recovered in a summary manner before a Police Magistrate, on the complaint of any person: and all penalties shall be paid into the Treasury for public uses. Recovery of penalties.

15. Any person holding the appointment of constable at the date of the passing of this Act shall be deemed to have been appointed under this Act. All constables deemed to be appointed under this Act.

1900—7.

An Act to consolidate and amend the Acts of this Island relating to Highways.

[1st December, 1900.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Highways Act, 1900. Short title.

Interpretation.

2. In this Act, the following words and expressions Interpretation.

Highways Act.

are used in the following senses, unless the context shows that a different sense is intended :

“cart” shall include any cart, waggon, wain, car, dray, or other vehicle of burden ;

“highways” shall include any public roads in this Island, and any streets, lanes, alleys, bridges, water courses, wharves, embankments, tunnels, drains, gutters, and sewers in any of the towns of this Island, except such portions of the wharves as shall be constructed of masonry ;

“parish” shall mean the parish where the land is situate, or where the vehicle or taxable animal is kept :

“Parochial Treasurer” shall include the person acting in his stead, or the person performing the duties required by this Act to be performed by the Parochial Treasurer of the parish by reason of such Parochial Treasurer declining to perform such duties ;

“taxable animal” shall include any horse, mule, or ass ;

“vehicle” shall include any carriage, phaeton, chaise, gig, bicycle, tricycle, or other cycle, van, waggon, dray, cart, or other conveyance of the like description, but shall not include carts or trucks which are solely used for the purpose of conveying goods and merchandize in and about messuages, stores, and warehouses, or for the conveyance of goods and merchandize from or to the interior of such messuages, stores or warehouses to or from the doors thereof, or to or from the sidewalk adjacent to such doors.

PART I.

COMMISSIONERS AND THEIR SERVANTS.

Number of Commissioners.

Appointment of
Commissioners.

3. (1) The Vestries of the several parishes of this Island, except as hereinafter provided, are hereby authorized to appoint, on the twenty fifth day of March, or within twenty one days after, in each and every year three fit and proper persons to be Commissioners of Highways within their respective parishes.

(2.) The Vestry of the parish of Saint Michael are hereby empowered to appoint in the manner and at the same period as above provided three fit and proper persons to be Commissioners of Highways for the rural portion only of their said parish.

(3.) The Vestry of the parish of Saint Michael shall at the time aforesaid appoint five of their own body, and

Highways Act.

four other fit and proper persons, not being members of the Vestry, to be Commissioners of Highways for the city of Bridgetown.

Vacancy in Board.

4. (1.) Should any Commissioner be absent from the Island without leave—which leave the Vestry are hereby empowered to give, appointing some one to act in his place—he shall be deemed to have vacated his office, and the Vestries of the respective parishes are hereby authorized to appoint another in his place.

Vacancy by reason of absence without leave or resignation to be filled up.

(2.) Any Commissioner of Highways who may desire to do so may resign his office.

5. The Vestries aforesaid shall fill any vacancies that may from time to time occur in the boards of Commissioners for their respective parishes, or the city of Bridgetown.

Meeting.

6. The said Commissioners of Highways shall meet, at some place to be appointed by them for that purpose, once in every month or oftener if necessary,

Place of meeting.

Quorum.

7. All acts required to be done and performed by the Commissioners of Highways of any parish or district may be done and performed by the major part of them.

quorum.

Clerks of Highways Commissioners.

8. (1.) The Commissioners of Highways for the rural portion of the parish of Saint Michael are hereby authorized to pay a salary not exceeding twenty five pounds per annum to the clerk of their board, whether he be the Parochial Treasurer of the parish or another person, out of the funds at their disposal, and to provide a proper office for him at such rent as they may deem fair and advisable.

Clerks of Commissioners: appointment and duties.

(2.) The Parochial Treasurers of the several parishes, other than the parish of Saint Michael, shall act as clerks to the respective boards of Commissioners, and the Parochial Treasurer of the parish of Saint Michael shall act as clerk to the board of Commissioners for the city of Bridgetown.

Highways Act.

(3.) The clerks of the respective boards of Commissioners shall attend them at their meetings, and shall take and record their minutes and proceedings, and shall enter into books, to be kept for such purpose, the complaints of all persons of any nuisance or obstruction on the highways, or the defective state of the same for want of repair or otherwise, and produce and lay such books before the Commissioners at their meetings aforesaid.

Duties and powers.

Duties and powers of Commissioners.

9. The Commissioners of Highways of the several parishes, of the rural portion of Saint Michael's, and of the city of Bridgetown, shall be subject to and possess the duties and powers in the following sections mentioned.

Repairs of highways.

They shall construct and repair the highways.

10. (1.) They shall have charge of the highways in their respective parishes, in the rural portion of the parish of Saint Michael, and the city of Bridgetown, and shall make, construct, repair, and keep in proper order the same as to them shall seem meet, and they shall from time to time ascertain the state and condition of the highways within their respective districts, and give the necessary orders to the Inspectors of Highways for the repair of the same, taking care that those which most require repair be first attended to. And the said Commissioners are hereby authorized and empowered to enter into contracts with persons willing to contract for the repair and keeping in repair of any highway or part of a highway, or for building or repairing and keeping in repair and good order any tunnels, drains, arches or bridges; or the said Commissioners may direct the employment of labourers and workmen and the purchase of materials for the repair and keeping in repair of the same, as may be most advantageous to the public; and when any highway, tunnel, arch, or bridge is undergoing repair, the person charged with the repairs shall have proper barriers erected to prevent accidents happening to persons travelling thereon or thereby. And the said Commissioners are hereby authorised to draw orders on the Colonial Bank for all such sums of money as shall from time to time be required in carrying out the objects of this Act.

The wells and dams for taking off storm water shall be under their control.

(2.) The Commissioners of Highways shall have and exercise in and over the wells, sucks, and dams handed over to them under the provisions of the Act of the thirtieth

Highways Act.

day of August one thousand eight hundred and eighty relating to the digging and making wells, sucks, and dams for taking off storm waters, all the powers and authorities which by law they have and exercise in and over the highways of their respective parishes, and shall in the first instance pay the charges and expenses for attending to and keeping in good order the said wells, sucks, and dams out of the road funds of their respective parishes, and they shall in the month of July in every year furnish to the Auditor General of this Island accounts of the same made up to the thirtieth day of June in the same year to be audited by him ; and when the accounts have been duly audited the same shall be laid before the several branches of the Legislature of this Island, and thereupon the sums expended shall be repaid to such Commissioners respectively from the Public Treasury on warrants by the Governor-in-Executive Committee.

(3.) They may, in their discretion, grant permission to any person or company to erect poles at the side of any highway for the purpose of carrying telephone wires over, along, or across any highway ; provided always that any person, or any telephone company existing or hereafter to come into existence, shall not by lapse of time hereafter acquire, and shall not be deemed by lapse of time to have already acquired, any right to maintain against the will of the Highway Commissioners, or of the owner of any public, private, or parochial lands or houses, any pole, wire, or thing in, on, or over any highway, or any lands, or houses, whether public, private, or parochial.

They may permit the erection of poles for telephone wires.

Appointment of officers, contracts, &c.

11. (1) They or a majority of them shall from time to time as they shall see fit appoint and employ such officers, servants and assistants, and make and enter into such contracts, bargains, and agreements, whether for services or materials, as may be deemed necessary for the due and effective repair of the highways and performance of the several duties and things required of them by this or any other Act.

They shall appoint all assistants, &c.

(2) No Commissioner of Highways, Parochial Treasurer or other person who shall act as clerk to any board of Commissioners, Inspector of Highways, superintendent, or other person employed by the Board of Commissioners, shall supply by contract or otherwise for profit directly or indirectly by himself, or by any other person on his account, any articles, goods, or materials for

No employé of any Highway Commissioners to make contracts, &c., for profit with them.

Highways Act.

the use, service or repair of the highways of the city or parish in which he is appointed or employed as aforesaid; nor shall any such person as aforesaid be in any way directly or indirectly concerned in any business transacted with the board with or by which he is connected or employed by which any profit can accrue to him, and the contract, agreement, or business transaction shall be void, and the parties thereto shall be liable to a penalty not exceeding ten pounds each; provided always that nothing herein contained shall extend or be construed to extend to any contract or agreement made or entered into by any incorporated trading company in its corporate capacity, nor to any company now existing or established and consisting of more than ten persons where such contract or agreement shall be made or entered into for the general benefit of such corporation or company.

Receive complaints.

They shall consider all complaints, applications, &c.,

12. It shall be their duty to receive and consider all applications, complaints, and other representations which may be made or referred to them by any person touching either the manner in which the highways may have been made or repaired, the defective state of the same from want of repair, or otherwise, the existence of any nuisance or obstruction thereon, the taking of contracts and all other things done or contemplated under the provisions of this Act: and to give such directions with regard to the same as may be expedient or necessary for the due carrying out of the objects of this Act.

Widen, make, or lay out roads.

And shall widen and make highways,

13. (1) When it shall appear to the Commissioners of any parish that any highway is not of sufficient breadth, they are empowered to order the same to be enlarged and widened in such manner as they shall in their discretion think fit, so that the said highway when enlarged shall not exceed twenty four feet in breadth, save and except where any peculiar conformation of such highway may require a width over and above twenty four feet; and forasmuch as in many places the highways may with more ease and less charge be altered than repaired, and it may be necessary also in some places and for some purposes to make new roads, and particularly for the giving of a road to church or market to any person who shall be without and shall require one, in such cases or either of such cases

Highways Act.

happening, the Commissioners of Highways of the parish are hereby empowered to proceed to lay out and allot such highway, but the power of the Commissioners in this behalf shall be exercised with as little detriment to any private person as practicable, and shall not extend to pull down any house or building, or to take away the land of any garden, orchard, or yard. And the said Commissioners of Highways shall employ a competent land surveyor to attend at the laying out such highway, and shall require him to furnish a plot thereof in duplicate; and when the proceedings are duly concluded, the said Commissioners of Highways shall have one of the said plots lodged in the Registration Office, to be by the Registrar filed and preserved with the public records of the Island, and the other of the said plots shall be kept and preserved with the records of the parish.

(2.) And in order that the person who shall be seized of or interested in the land which shall be laid off for making enlarging or widening any highway shall receive satisfaction for the same, the said Commissioners of Highways are hereby required to make application to the Police Magistrate of the parish or city, who shall thereupon issue a warrant for summoning and empanelling a jury, consisting of five freeholders of the parish where such highway may be required to be altered, turned, or laid out, and either of the said Commissioners of Highways shall administer an oath to each of the said jury, in the words following:—

“I, A.B. do swear, that I will to the best of my skill and judgment, duly execute the trust reposed in me and the duties by this Act required of me without fear, favour, or partiality—So help me God.”

And the said jury are hereby empowered to assess what sum shall be awarded to the owner or tenant of the said land, and also to any other person who may be injured by the enlarging or making of such highway: provided always that six days' notice in writing shall be given by the said Commissioners of Highways to the owner or occupier or other person interested in such land as aforesaid, or to his guardian, trustee, or attorney, as well of the time of the laying off of such highway by the said Commissioners as of assessing the value thereof by the jury as aforesaid; and upon payment or tender of payment of the money so to be awarded and assessed to the person entitled to receive the same, the land after being so laid off for a road as aforesaid shall be deemed and taken and for ever afterwards made use of as a public highway to all intents and

Highways Act.

purposes whatsoever, reserving nevertheless to the owners of such land the fee simple and inheritance thereof.

3.) If any freeholder duly summoned for any of the purposes aforesaid shall neglect to appear, or appearing shall refuse to be sworn and perform the duty by this Act required of him, unless he shall give a lawful excuse to be allowed of by the Police Magistrate under whose warrant he may have been summoned, he shall forfeit and pay the sum of one pound; and every person summoned as a juror shall have five days' notice of the time and place when and where to attend.

(4.) Whenever the Commissioners of Highways of any parish or of the rural portion of Saint Michael's, or of the city of Bridgetown, shall require any land for the purpose of building or constructing any tunnels, drains, or sewers, or of continuing or altering the course of any tunnels, drains, or sewers already constructed, it shall be lawful for such Commissioners to proceed in the manner prescribed by the preceding subsections of this section to have such land laid off and assessed, and upon payment or tender of payment of the money awarded and assessed to the person entitled to receive the same, such land shall thenceforth be for the public use, and such Commissioners shall have power at all times to enter upon any premises of which the land laid off formed part for the purpose of repairing such tunnels, drains, or sewers, or for cleansing the same.

Road to church or market.

And roads to
church or
market.

14. If the owner of any land shall require a road to church or market it shall be lawful for the Commissioners of Highways of the parish to proceed in manner aforesaid to have the said road laid off at the cost of the party requiring the same; to be assessed, if necessary, by a jury summoned, empanelled, and sworn as aforesaid, and upon payment or tender of payment of the sum awarded to the owner of the land so laid off for a road, such road shall from thenceforth be for the public use. But where any plantation, estate, or place shall contain a road leading from the buildings thereon to the public highway adjacent, and the said plantation, estate, or place shall have been sold out in lots, and the owner or owners of any such lot or lots shall require a road to the same, it shall only be lawful for the Commissioners of Highways to lay out such road or roads from any such lot or lots to the original road leading from such buildings to the public highway or over original lands of such plantation,

Highways Act.

estate, or place, and not over lands of any other party or parties, except with the consent of the owner or owners of such land or lands: provided always that the fee simple of any land so laid off for a road shall continue and be in the owner of the said land, his heirs and assigns for ever, but without interruption or prejudice to the public or any person whomsoever requiring the use of the said road.

Abandoned roads.

15. If it shall happen that in the laying out of a new road any old road may be abandoned, it shall be lawful for the owner of the land through which the said old road may pass to resume the possession of the same on payment to the Parochial Treasurer of the parish where such road is situate for the uses of the roads, such sum of money as the jury assessing the value of the new road shall consider to be the value of the land of such old road.

Abandoned roads may be resumed by owner on paying assessed value.

Private roads.

16. And whereas roads are in some cases made use of on sufferance, to the great convenience of the public, which have never been laid off by a jury, and it is deemed expedient that the Commissioners of Highways of the parish in which such roads may be should have power to repair such roads should they deem it beneficial to the public and obtain the consent of the owner or his attorney for that purpose; if therefore the owner or his attorney shall give consent in writing to the said Commissioners of Highways to repair any such road, which consent shall be preserved amongst the records of the parish, the said Commissioners of Highways shall have, and they are hereby invested with full power and authority to have such road repaired, and such road, after the repair thereof, shall be deemed, taken, and used as a public road to all intents and purposes whatsoever as if the same had been laid off according to law; but the fee simple in the land of such road shall nevertheless be and remain in the owner thereof, his heirs and assigns.

They may with consent keep private roads used by the public in repair.

Cross roads.

17. To remove doubts in respect of the cross roads of parishes, the Inspector of each parish shall from time to time make a report in writing to the Commissioners of his parish of all such cross roads therein as may be considered public; and the said Commissioners shall cause notice

Return of public cross roads by Inspector.

Highways Act.

thereof in writing to be given to the owner or proprietor of the adjoining lands or his constituted attorney, and unless an objection in writing to the said report shall be lodged with the Commissioners within three months after such notice, the said report shall stand confirmed as to all the cross roads therein set forth as being public to all persons whomsoever: and the said report shall forthwith be placed on record in the Registration Office of this Island; but if any person shall within the time aforesaid take an objection in manner as aforesaid to any road set forth in such report as not being a public road, the question shall be referred by the said Commissioners to the Police Magistrate of the parish who, if not interested in the matter, shall take cognizance of the same, but if interested therein then the question shall be referred to some other Police Magistrate, and the Police Magistrate taking cognizance of the question shall by warrant under his hand directed to a police constable summon before him, at a time and place to be fixed for that purpose, all persons who it may be alleged can give evidence therein, and shall examine such persons on oath touching the inquiry whether the road objected to has ever been heretofore a public road, and shall give his judgment thereon in writing—such judgment to be subject to the right of appeal given by the Assistant Court of Appeal Act 1900; but if such judgment be not appealed from, the same shall be final and shall forthwith be recorded, together with the Inspector's report, in the said Registration Office.

Inspectors of Highways.

Appointment
and salary of
Inspector.

18. (1.) The Commissioners of Highways shall from time to time as they shall see fit appoint some fit and proper person to be Inspector of Highways for the city of Bridgetown and their respective parishes, at the salary mentioned in the second part of this section, with such superintendents and assistants as to them shall seem necessary; and shall pay to such superintendents and assistants such sums per day for their services while so employed respectively as the said Commissioners shall see fit; and the said Commissioners shall have power whenever they see fit to remove any such Inspector, superintendent, or assistant, and appoint some other if they see fit in his place.

(2) The salary of the Inspector of Highways for the rural part of the parish of Saint Michael shall not exceed two hundred pounds per annum. The salary of the Inspector in each of the other parishes and in the City of Bridgetown shall not exceed one hundred and fifty pounds per annum.

Highways Act.

(3) It shall be lawful for the Commissioners of Highways, on each occasion of the appointment of an Inspector of Highways for the city of Bridgetown or their respective parishes, to make such contract with the person so appointed as to the duration of his appointment and as to the rate of remuneration for his services as they shall deem fit; provided always that the rate of remuneration agreed upon shall in no case exceed the limit fixed in the last preceding subsection.

(4) Every person so appointed an Inspector of Highways shall, before entering upon his office, become bound by an obligation in writing, to Her Majesty, her heirs and successors, himself in the sum of two hundred pounds with two sufficient sureties in the sum of one hundred pounds each, such sureties to be approved by the Commissioners making the appointment, and the condition of such obligation shall be for the proper and just application of all moneys which shall come to the hands of such Inspector of Highways, and for duly accounting for the same whenever thereto required by the said Commissioners.

(5) The obligation to be entered into under this Act by the Inspector of Highways shall be lodged with the Treasurer of the Island and remain in his office until the same shall be duly discharged; and in case of any breach in the condition of the said obligation the said Treasurer shall forthwith put the same in suit, and he is hereby authorized to pay all moneys necessary for prosecuting such suit, and shall pay the sums recovered to the Parochial Treasurer of the parish in or for which the defaulter was Inspector of highways, and if the sum of money in default shall exceed the amount of such obligation the same shall be and remain as a debt against the defaulter, being such Inspector of Highways, and the said Treasurer shall proceed by action of debt to recover the amount in excess of such obligation, and pay over the same in manner as aforesaid.

19. The Inspectors of Highways shall be charged with the general superintendence of all the public highways within their respective parishes or districts, and it shall be their duty to see that they are properly made, repaired, and maintained; and they shall have milestones, as occasion may arise, affixed on the sides of each of the highways as the Commissioners of Highways of their respective parishes or city may think fit to direct; and shall take care that the letters and figures on such milestones shall be distinct and legible; and they shall enter all their proceedings in proper books to be kept for that purpose; and they shall keep

Duties of
Inspectors.

Highways Act.

proper books of account of all moneys which shall come to their hands, and the application of the same; and they shall, as often as may be possible, view all the common highways, public paths, and streets, and all common bridges and watercourses within their respective parishes or districts, and shall from time to time make reports to the Commissioners of their respective parishes or districts of the state of such common highways, public paths and streets, and all common bridges and watercourses, and of all circumstances relating thereto, which ought to be brought to the notice of the Commissioners; and they shall duly attend to and observe all orders and directions whatsoever which the Commissioners of their respective parishes or city may, from time to time give with reference to the objects of this or any other Act relating to the highways; and it shall be the especial duty of the said Inspectors of Highways to enforce the provisions of this Act, and of all other Acts relating to the public highways, against all persons who may violate the same, and they shall attend the meetings of the Commissioners of their respective parishes or city when thereto required.

Cleaning
trenches.

20. The Inspectors of Highways of the several parishes shall have all trenches kept clear of mould or obstructions out of the funds at their disposal; and it shall be lawful for the said Inspectors to cause the mould and other materials so cleared from the trenches to be deposited on the adjoining banks.

PART II.

PREVENTION OF OBSTRUCTION AND ACCIDENTS.

Encroachment.

Removal of en-
croachments.

21. If any person shall encroach upon any highway by means of any building, enclosure, hedge, fence, or in any manner, such person shall incur a penalty not exceeding the sum of two pounds, and if the encroachment be not removed within twenty four hours after notice thereof from any Commissioner, Inspector, superintendent, or other persons entrusted with the care, maintenance, or repair of the roads of the parish, or from any person acting under their authority, the same shall be removed at the cost of the offender, to be recovered as penalties under this Act; provided always that nothing herein contained shall prevent or be construed to prevent the owner or occupier of any building or land adjoining a public highway from covering over the gutter adjacent to any door or gate belonging to

Highways Act.

such building or land so as to allow vehicles and passengers to have access to and from such building or land; provided also that such covering shall not in any way obstruct the public highway, and shall not interfere with the free passage of storm water through the gutter under such covering, and shall be laid under the supervision of the Commissioners of Highways and in such manner as such Commissioners approve.

Placing things on highways.

22. (1.) If any person shall wilfully place timber, stone, trash, manure, soil, ashes, rubbish, or any matter or thing whatsoever upon any highway, the person so offending shall incur a penalty not exceeding two pounds; and it shall be lawful for the Commissioners, Inspector, superintendent, or other person entrusted with the care of the roads of the parish, to cause the said highway to be cleared by removing or disposing of such matter or thing, and to apply the proceeds thereof, first in defraying the cost of such removal, and to pay the residue into the Public Treasury for the use of the parish: provided nevertheless that if such timber, stone, trash, manure, soil, ashes, rubbish, or matter or thing as aforesaid, shall not sell for a sufficient sum to defray the expenses of removing them, the person who deposited or caused the same to be deposited on the said highway shall pay to such Commissioners, Inspector, superintendent, or other person entrusted with the care, maintenance, or repair of the roads, such sum of money as shall have been necessarily expended in the removal thereof, and in default of payment the same shall be recovered as a penalty under this Act. Provided always that where it shall be made to appear to the satisfaction of the Police Magistrate hearing the complaint, that the local situation of the lands adjoining any highway occasioned the temporary depositing thereon of such trash, manure, soil, ashes, or matter or thing intended to be applied to such lands, or that bad weather or other reasonable cause had interposed to prevent the removal of any such matter or thing aforesaid, the party so depositing the same shall not be subject to the penalty aforesaid nor shall such articles or things be forfeited, provided they do not remain on such highway after sunset of any day; provided always that nothing in this section contained shall extend to prevent stones or materials being placed on the highway for the repair of the same.

Removal of things placed on highways.

(2) If any person shall put or place any soil, manure, substance, or thing on any highway, which may be detrimental to the same whilst undergoing repair, or after

Highways Act.

the same shall have been repaired, but before such road has become sufficiently settled and fixed, the person so offending shall incur a penalty not exceeding twenty shillings; provided always that nothing in this section contained shall affect the provisions of the first subsection of this section.

Scaffolding, building materials, &c.

Exception in favour of persons building or repairing houses, &c.

23. Nothing herein contained shall be construed to prevent persons building or repairing any building of whatever description in any town of this Island from erecting such scaffolding, or collecting such materials, as may be necessary in the course of such building or repairing, although the same shall encroach on any public street or highway; provided the same be done with the knowledge and concurrence of any Commissioner or other person entrusted with the care, maintenance, or repair of the highways for the parish in which such town is situated, and that no more of the public highway be encroached upon, nor the encroachment continued longer, than is unavoidably necessary to such building or repairs; and provided also that all due care be taken to guard the public against danger in respect of such scaffolding or collection of materials.

Steam engines, &c., near highways.

No steam engines &c., to be erected within 50 yards unless screened.

24. (1.) No steam engine or other like machine, or windmill, shall be erected within fifty yards of any highway, unless such engine or other like machine be within a house, or sufficiently screened by a wall or barrier, so that the same may not be dangerous to passengers, horses, or cattle; nor shall it be lawful for any person to make a ditch or pit upon or within ten feet of any highway; and in case any person shall offend herein, every such person shall forfeit and pay a sum not exceeding one pound for each and every day such steam engine or other like machine, windmill, ditch or pit shall be permitted to continue contrary to the provisions of this section; provided always that it shall be lawful for the said Commissioners or chief person entrusted with the care, maintenance or repair of the roads of the parish, to permit the erection of windmills within a shorter distance than fifty yards of any highway, where the local position shall render a shorter distance indispensable, and where the same may be done without detriment to the public: provided that nothing herein contained shall be construed to restrain any person from using, repairing, building, or enlarging any

Highways Act.

steam engine, or other like machine, or any windmill which may have been erected and in existence at the passing of this Act.

(2.) The Commissioners of Highways of any parish or for the city of Bridgetown are hereby authorized to use and employ, as they may deem expedient, for the purpose of crushing the metal on the highways or for repairing the highways in their respective parishes or in the city of Bridgetown or for any purpose connected with such repairs, road rollers propelled by steam.

(3.) It shall be lawful for the Commissioners of Highways of any parish or for the city of Bridgetown to make rules for regulating the working of the rollers, the limit of speed to be observed in driving such rollers on the highways, and the temporary stoppage of the traffic on any road or street for the purpose of rolling such road or street, and for such other purposes as may be necessary; and such rules when they shall have received the sanction of the Legislature shall have full force and effect of law.

(4.) Any person infringing any provision of any such rules shall be liable to a penalty not exceeding twenty shillings.

Open wells near highways.

25. If the owner or occupier of land adjoining a highway shall have or shall sink a well therein within thirty feet of the highway, such owner or occupier shall have a wall or other substantial enclosure erected round the same, four feet high. And any person failing to comply with the provisions of this section shall, after receiving seven days' notice from a Commissioner, Inspector, superintendent, or other person entrusted with the care, maintenance, or repair of the roads of the parish, incur a penalty of two shillings and sixpence for each day after the expiration of such notice, that any such well shall remain unenclosed as aforesaid.

No wells within 30 feet unless enclosed.

Hanging clothes, &c., near highways.

26. If any person shall put or place any clothes, linen, or cloth, upon any wall, hedge, fence, or paling adjoining any highway, or shall place or spread the same on the ground within ten yards of any such highway, or shall wash any clothes or other matter upon any highway, or shall put up, place, or affix any clothes, cloth, or merchandise of any sort on the outside of any building within any of the towns of this Island, or of any balcony, gallery, doors,

No clothes on adjoining walls &c. or on ground within 10 yards, or on balconies.

Highways Act.

or windows of any such house or building such person shall forfeit a sum not exceeding five shillings.

Playing on loud musical instruments.

No playing on loud musical instruments within 25 yards.

27. If any person shall be found performing upon any instrument called the pump, or upon any loud musical instruments within twenty five yards of any highway (except being within a dwelling house or enclosure), such person shall, for each such offence, forfeit and pay a sum not exceeding five shillings.

Walls, &c., overhanging highways.

Removal of walls and dangerous buildings overhanging.

28. When any wall or dangerous building shall overhang any street or road, so as to be dangerous to passengers, it shall be lawful for the Commissioners to give notice to the owner, proprietor, or his representative to have the same either taken down or sufficiently repaired so as to remove the danger; and any person omitting forthwith to do so after notice, the said Commissioners are hereby authorized to pull down or repair the same, as they shall see fit, at the expense of the parties, and the expense incurred in doing so shall be recovered as a penalty before any Police Magistrate, in addition to a penalty not exceeding twenty shillings for not complying with the requisition of the said Commissioners.

Trees and hedges overhanging highways.

Cutting of trees, &c. overhanging.

29. The owner or occupier of lands next adjoining any highway shall plash, cut, or prune all trees and hedges which shall overhang such highway to the obstruction of passengers when thereto required by the Commissioners, Inspector, superintendent, or other person entrusted with the care, maintenance, or repair of the roads, or by any person acting under their authority; and it shall be the duty of every Inspector to require the pruning aforesaid; and every person who shall neglect to do so within ten days after being thereto required as aforesaid shall, for each day after such notice, forfeit the sum of five shillings for such time as such trees or hedges shall remain unplashed, uncut, or unpruned; and when any cocoanut tree shall overhang a public road or street, so that the falling of the cocoanuts therefrom may endanger the safety of passengers, it shall be lawful for the Commissioners or chief person entrusted with the care, maintenance, or repair of the roads of the

Highways Act.

parish, to have the same cut down, making compensation to the owner for the loss thereby occasioned.

Grooming horses and leaving vehicles.

30. If any person shall groom a horse mule or ass on any of the highways, or leave the same tied thereon, or if any person shall clean any carriage, phaeton, chaise, gig, or other vehicle of the like description on any of the highways, or leave the same thereon, or if any person shall place any cart, waggon, or other vehicle of burthen across any highway for the purpose of loading or unloading the same, every such person shall incur a penalty not exceeding ten shillings.

No grooming of horses and washing vehicles on.

Loading and unloading of carts, &c.

31. It shall not be lawful for any person to draw up and stop any waggon, cart, or other vehicle of burthen on any highway for a longer time than may reasonably be necessary for the unloading or loading of the same, nor shall it be lawful to take the horses or other animals from any such waggon, cart, or other vehicle of burthen, and to leave such waggon, cart, or other vehicle of burthen in any such highway; and every person offending herein shall incur a penalty not exceeding ten shillings.

Reasonable time for loading or unloading only allowed.

Cattle straying on highways.

32. (1) If any horse, mule or ass, sheep, goat, swine, or beast or cattle of any kind, shall at any time be found straying, lying, grazing or being depastured on any highway, or on the sides thereof, and whether such horse, mule or ass, sheep, goat, swine or beast or cattle of any kind, shall be held by, or be under the control of, the person in charge thereof by means of a rope, chain, or other attachment or not, any police constable or person is hereby authorised to seize and impound every such horse, mule, ass, sheep, goat, swine, or beast or cattle in the common pound (if any) of the parish or district where the same shall be found, or in such other place as the Police Magistrate or Commissioners of Highways of the parish shall provide for that purpose, and the said horse, mule, ass, sheep, goat, swine, or beast or cattle there to detain until the owner thereof shall for every such horse, mule, ass, or beast or cattle so impounded, pay the sum of two shillings; and for every sheep, goat, or swine, the sum of one shilling, together with the amount of any damage done, and the reasonable charges and expenses for impound-

Impounding of cattle straying or grazing on; and driving or leading bulls &c through Bridge town.

Highways Act.

ing and keeping the same to the Police Magistrate of the parish, to be paid by him to the Parochial Treasurer for the use of the parish.

(2) In case the said penalty, damages, charges, and expenses shall not be paid within seven days after such impounding (notice thereof being first given to the owner, if known), it shall be lawful for the said Police Magistrate to order every such horse, mule, ass, sheep, goat, swine, or beast or cattle to be sold, and the money arising from such sale, after deducting such penalty, damages, charges and expenses of impounding, keeping, and selling any such horse, mule, ass, sheep, goat, swine, or beast or cattle, shall be paid to the owner, if known; but in case the owner shall not be known, and no application shall be made for the money arising from such sale within one month after such sale shall have taken place, the same shall be paid to the Parochial Treasurer for the use of the parish.

(3.) If it shall appear to the satisfaction of the Police Magistrate that any such horse, mule, ass, sheep, goat, swine, or cattle so impounded escaped from any enclosure from the gate or fence thereof having been wilfully or negligently left open or destroyed by any person not being the owner of such enclosure, nor employed by such owner, or that it arose from mere accident and was not wilful, then and in such case the Police Magistrate may remit the penalty.

(4.) No owner of any horse, mule, ass, sheep, goat, swine, or beast or cattle impounded as aforesaid, shall in any case pay more than the sum of fifteen shillings over and above the damages charges and expenses of impounding and keeping the same, for any number of horses, mules, asses, sheep, goats, swine, or beast or cattle impounded at any one time.

(5.) If any horse, mule or ass, sheep, goat, swine, or beast or cattle as aforesaid shall at any time be found straying, lying, grazing, or being depastured on any highway or on the sides thereof, and the same cannot be seized and impounded as aforesaid, it shall be lawful for any police constable or person to prefer a complaint against the owner thereof (if known) or against the person in charge thereof to the Police Magistrate of the parish in which the animal or animals was or were found straying, lying, grazing, or being depastured, and such owner or person in charge shall on conviction be subject and liable to the like penalties, damages, and expenses, as if such horse, mule, ass, sheep, goat, swine, or beast or cattle had been actually seized and impounded.

Highways Act.

(6.) In case any person shall release or attempt to release any horse, mule, ass, sheep, goat, swine, or beast or cattle which shall be impounded under the authority of this Act from the pound or place where the same shall be impounded, or in the way to or from the pound or place or shall pull down, damage, or destroy the pound or place, or any part thereof, or any lock or bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release, any distress or levy which shall be made under the authority of this Act, until or before such horse, mule, ass, sheep, goat, swine, or beast or cattle seized or so impounded, or such distress or levy so made, shall be discharged by course of law, every person so offending shall forfeit and pay a sum not exceeding five pounds.

(7.) No bull, ox, or cow, except such as are being used for drawing any vehicle, or except any cow kept and used as a milch cow, or except such as are native and are being driven or led singly under proper control so as not to be dangerous to life or property, shall be driven or led through any of the streets of the city of Bridgetown after the hour of eight o'clock in the morning, or before the hour of ten o'clock of the night of each day.

Driving of carts on highways.

33. (1.) If the driver of any cart shall ride upon any such cart, or upon any horse, mule, or ass drawing the same on any highway, not having some other person on foot or on horseback to guide the same (such carts as are usually driven with reins, and are conducted by some person holding the reins of the horse or horses, mule or mules, or ass or asses, not being more than three, and the same driven abreast, drawing the same with efficient harness, excepted);

Regulations
respecting the
driving of carts
on highways.

(2.) If any person shall sit on the tongue or on the shaft of any cart, whilst such cart is proceeding along any highway;

(3.) If the driver or rider of any vehicle, bicycle, or tricycle on any highway shall, by any negligence or wilful misbehaviour, cause any hurt or damage to any person, horse, cattle, or animal, or to any vehicle or goods conveyed in any vehicle, or otherwise passing or being upon such highway, or shall quit the same, and negligently or wilfully be at such distance from such vehicle, or in such situation whilst it shall be passing upon such highway that he cannot have the direction and government of the

Highways Act.

horses or cattle drawing the same, or shall leave any vehicle, bicycle, or tricycle on such highway so as to obstruct the passage thereof ;

(4.) If any person driving any vehicle, or any horses, mules, or beast of draught or burthen, meeting any other person, or vehicle, or horses, mules, or beast of burthen, shall not keep the same on the left or near side of the highway ;

(5.) If any person shall in any manner wilfully prevent any other person from passing him or any vehicle or horses, mules, or beast of burthen under his care upon such highway, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person or vehicle, or horses, mules, or beast of burthen, on any highway ; or shall not keep his person or vehicle or horses, mules, or beast of burthen on the left or near side of the highway, for the purpose of allowing such passage to take place on the right or off side ;

(6.) If any person driving any vehicle of burthen shall wilfully put the horses, mules, or beasts of burthen drawing the same beyond a walk ;

(7.) If any person riding, leading, conducting, or being in charge of any horse or beast, or driving any vehicle of pleasure, shall ride, chase, conduct, or drive the same furiously so as to endanger the life or limb of any passenger, or shall pass or turn any such horse, beast, or vehicle of pleasure round the angle of any highway, or shall cross any highway, at a rapid or dangerous pace ;

(8.) If any person in charge of any vehicle of burthen shall load or move the same in such a manner as to threaten or endanger the safety of any person travelling on any highway ;

(9.) If any person driving or riding any vehicle between the hours and within the respective limits herein-after mentioned shall not have a lighted lamp affixed to such vehicle on the right of the front part of such vehicle, so as to be clearly visible to any person meeting such vehicle ;

Every person so offending in any of the cases aforesaid and being convicted of any such offence before a Police Magistrate shall, in addition to any civil action to which he may make himself liable for every such offence, forfeit and pay a sum not exceeding one pound, and every such person offending in either of the said cases shall and may, by the authority of this Act, with or without any warrant,

Highways Act.

be apprehended by any police constable or other person who shall see such offence committed, and shall be conveyed before any Police Magistrate to be dealt with according to law; and if any such person shall refuse to discover his name, it shall and may be lawful for the said Police Magistrate before whom he shall be taken, or to whom any such complaint shall be made, to proceed against him for the penalty aforesaid by a description of his person and the offence only without adding any name or designation but expressing in the proceedings that he refused to discover his name.

For the purpose of indicating the hours and limits within which lighted lamps are required to be carried by vehicles, the Commissioners of Highways for the parishes of Christ Church and Saint Michael respectively shall erect iron posts at one side of each highway leading into the city at two miles measured from the statue of Nelson, and in the case of the highways leading from Bridgetown through Hastings village to the village of Worthing at three miles measured from the statue of Nelson, and shall affix to such posts a sign having marked thereon in white letters, not less than one and a half inches high on a dark ground, the words "Between the hours of 7 p.m. and 3 a.m. of the next day in the months of February to September inclusive, and between the hours of 6 p.m. and 3 a.m. of the next day in the months of October to January inclusive all vehicles within two [or three as the case may be] miles of Trafalgar Square are required to carry a lighted lamp on the right front side."

Hours and limits within which lighted lamps to be carried by vehicles.

(10.) In case the driver or person in charge of any vehicle, whose name shall be unknown, shall violate any of the regulations aforesaid, and such person may not be apprehended and taken into custody, it shall and may be lawful for any Police Magistrate, upon the complaint of any police constable or person, to summon the owner of any such vehicle to come before him and disclose the name of the person who was driving or in charge of such vehicle when the offence was committed, to the intent that such person may be proceeded against according to law, and in case the owner of any such vehicle shall refuse to attend, having been duly summoned, or attending shall refuse to disclose or give the name of the person in charge of any such vehicle as aforesaid, such owner shall be subject and liable to and shall incur the like penalty as such driver or person, if known, would have been subject and liable to, and such owner shall be convicted in like manner as if he himself had been actually driving or in charge of such vehicle.

Highways Act.

(11.) If the driver or person in charge of any vehicle shall, without permission of the owner of such vehicle, take up and convey therein any person, or any package, the person so offending shall, on conviction thereof before any Police Magistrate, forfeit a sum not exceeding five shillings. And in case any dispute shall arise whether any such driver or person in charge of any vehicle had permission from the owner thereof to take up, carry, and convey persons or packages therein, the proof thereof shall be on such driver or person as aforesaid.

(12) If any owner of mules shall suffer the same to be driven on and along any street or road in such numbers and in such manner as to endanger the safety of passengers, he shall forfeit the sum of twenty shillings, and such owner shall also be liable to make good any damage done to any person or property by any such mule, to be recovered as penalties under this Act, for the use of the party injured: provided always that the damages to be awarded to any one complainant under this clause shall not exceed the sum of five pounds; and provided also that the party aggrieved shall not proceed for the recovery of damages both under the general law and under this section.

(13.) This section shall include in its application all roads in the villages of Strathclyde and Belleville in the parish of Saint Michael.

Belleville and
Strathclyde
roads.

Shooting within 100 yards of highways.

No fire-arms
shall be dis-
charged within
100 yards of,
unless &c.

34. It shall not be lawful for any person to fire off or discharge any gun, pistol, or fire-arm on any public road, or within one hundred yards of any public road (except on some lawful and necessary occasion); and every person so offending shall, on conviction thereof on the complaint of any person before a Police Magistrate, be liable to a penalty not exceeding twenty shillings.

Throwing fireworks and things on highways.

No fireworks
shall be explod-
ed on or within
30 yards of, and
no fire balloons
shall be sent up.

35. (1.) If any person shall throw, fire, or explode, or attempt to throw, fire, or explode, or cause or permit to be thrown, fired, or exploded, any squib, serpent, cracker, or firework, or any detonating or explosive substance or any stone or thing likely to cause injury to a passenger, from or out of any house, outhouse, warehouse, balcony, yard, or elsewhere, into or upon any street, lane, alley, highway, road, public thoroughfare, or any place on or over which the public are allowed to assemble and pass;

Highways Act.

(2) If any person shall fire, throw, or explode or attempt to throw, fire, or explode any squib, serpent cracker, or firework, or any detonating or explosive substance, in or upon any street, lane, alley, highway, road, public thoroughfare, or any place on or over which the public are allowed to assemble and pass or within thirty yards thereof ; or

(3) If any person shall throw or attempt to throw any stone or thing likely to cause injury to a passenger in or upon any street, lane, alley, highway, road, public thoroughfare, or any place on or over which the public are allowed to assemble and pass ;

Every such person offending as aforesaid shall, in addition to any civil action to which he may be liable, be liable to a penalty not exceeding fifty pounds, and may, by authority of this Act, with or without any warrant, be apprehended by any police constable or person who shall see such offence committed, and shall be conveyed before any Police Magistrate to be dealt with according to law ; and if any such person shall refuse to discover his name, it shall and may be lawful to proceed against him for the penalty aforesaid by a description of his person and the offence only without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

(4) In case the person shall at the time of committing the offence have been in any house, balcony, warehouse, outhouse, or yard, and his name shall not be known, and such person may not be apprehended and taken into custody, it shall and may be lawful for any police constable or other person to summon the owner or occupier of such house, balcony, warehouse, outhouse, yard or place where the offence was committed, to the intent that such person may be proceeded against according to law ; and in case the owner or occupier of such house, outhouse, warehouse, yard or place shall wilfully refuse to disclose or give the name of the person who committed the offence, such owner or occupier, unless he can prove he was not on the premises at the time of the commission of the offence or that he was unable to discover his name, shall be subject and liable to and shall incur the like penalty as such person, if known, would have been subject and liable to, and shall be fined in like manner as if he himself had been actually the offender.

(5) If any person shall throw upon any side-walk or pavement any vegetable or fruit, in whole or part, he shall be liable to a penalty not exceeding two pounds.

Highways Act.

(6.) Whoever shall wilfully discharge or cause to ascend into the open air any balloon which is kept afloat in the air by means of fire burning in or attached to such balloon may be apprehended by a police constable and taken before a Police Magistrate, or may be proceeded against by any person before such Police Magistrate by way of complaint, and shall on conviction before such Police Magistrate be liable to a penalty not exceeding ten pounds.

PART III.

MARKING OF CARTS DRIVEN ON HIGHWAYS.

Carts how marked.

All carts shall, before being driven on a highway, be marked in the manner set forth in this section.

36. (1) The owner of every cart before it shall be driven or used on any highway shall paint or cause to be painted in one or more horizontal lines upon some conspicuous part of the front or of the right or off side of such cart, or on a board or plate to be securely affixed to the cart, a number corresponding to the vehicular number of such cart mentioned in his license, his christian name or the initials thereof and his surname, or the style or title by which he is commonly designated, and the name of his plantation or a full description of the situation of the place where he shall carry on his business or trade, or of the place of his abode (or if there shall be more than one owner of such cart the name and description aforesaid of the principal owner of such cart, or in case of a firm or incorporated or registered company the name or style of such firm or company owning such cart), in large legible letters, of not less than two inches in height, and of a proper and proportionate breadth, and continue to keep the same thereupon so long as such cart shall be used upon any highway, and all such numbers, names, and descriptions shall be re-painted or renewed in like manner from time to time as often as the same or any part thereof shall become obliterated or defaced, and every owner of any cart who shall use or allow the same to be used on any highway without the number, names, and description painted or affixed thereon as aforesaid, or who shall suffer the same to become illegible, shall on conviction for every such offence incur a penalty not exceeding fifty shillings.

(2) Whoever shall paint or cause to be painted any false or fictitious number, name, or place of business, trade, or abode on such cart, board, or plate shall on conviction be liable to a penalty of five pounds.

*Highways Act.**Procedure if owner unknown.*

37. (1) If any person shall drive or use, or cause to be driven or used, on any highway any cart which shall not have duly painted thereon the number, names, and description in the manner directed as aforesaid, and the owner thereof be not known, it shall be lawful for any person to take and seize such cart and any article therein and any animal drawing the same, and to carry or cause the same to be carried to the nearest and most convenient police station for safe custody, there to be detained and kept until the owner thereof shall be known so that he may be proceeded against for such offence, and if any person shall resist or obstruct the same being carried to such police station, such person shall on conviction for every such offence incur a penalty not exceeding fifty shillings.

Cart improperly marked may be seized, &c.

(2.) The costs of the keep of the said animal shall be directed by the court to be recovered from the owner in the same manner as costs of court are recovered.

Penalty on driver (not being owner) of unmarked cart.

38. Every person who (not being the owner of any cart, or not being the servant of such owner) shall drive or use, or cause to be driven or used, in or upon any highway any cart without the number, names, and description painted thereon in the manner hereinbefore directed, shall on conviction for every such offence incur a penalty not exceeding fifty shillings.

Penalty on driver not being owner of a cart improperly marked.

Concealing mark.

39. If any driver or person in charge of any cart which shall be on any highway shall hide from view either with his person or with any article whatsoever the number, names, and description hereinbefore required to be painted on any cart so that the same cannot be distinctly seen, every such driver or person shall on conviction for every such offence incur a penalty not exceeding fifty shillings.

Penalty for concealing marks on cart.

When exempt from penalty.

40. If any person against whom any complaint shall have been preferred shall prove to the satisfaction of the Police Magistrate hearing such complaint that any cart in respect of which any complaint shall have been made had painted thereon the number, names, and description required

Exemption from penalty.

Highways Act.

to be painted thereon at the time when such cart last left the plantation or place of the owner or driver thereof, and that through some accident or by no neglect or default of such person any board or other material on which such number, names, and description were painted was lost, such person shall be exempt from any penalty under this Act.

PART IV.

HIGHWAY FUND.

Grants in Aid.

Highway funds
how kept, &c.

41. (1.) The money raised and granted by this Act shall form a fund to be called the highway fund, and in case of the City of Bridgetown shall be kept by the Commissioners of Highways separate and distinct from the moneys raised for sanitary purposes in the parish of Saint Michael, and which shall in like manner be called the sanitary fund, and separate and distinct accounts shall be kept of each of these two funds, and it shall not be lawful to charge or allow to be charged the one fund with any expenditure effected or incurred under and for the proper purposes of the other, or to appropriate or apply, or allow the appropriation or application of any part of the moneys of either of such funds to any other use or purpose than those for which they were raised, granted, or intended, respectively, under a penalty not exceeding twenty pounds for every offence therein, to be recovered from the said Commissioners or other persons offending, and in case of improper charge, appropriation, or application as aforesaid, a further penalty equal to the full amount so improperly charged or allowed to be charged, appropriated, or applied, to be recovered as a penalty under this Act for the uses of the fund in respect of which such offence shall have been committed.

(2.) All taxes and penalties becoming due after the twenty fifth day of March one thousand nine hundred and one to the Parochial Treasurer of the parish of Saint Michael under this Act, in respect of the City of Bridgetown and the rural part of the parish of Saint Michael, shall be appropriated as follows, that is to say, forty three per cent to the highway fund for the City of Bridgetown, and fifty seven per cent to the highway fund for the rural part of the parish of Saint Michael.

Grants in aid
from the
Treasury.

42. (1.) In aid of the funds provided for road purposes, annual grants shall be made from the Public Treasury, as follows :—

Highways Act.

To the rural portion of the parish of Saint Michael	£1,000
To the City of Bridgetown	1,000
To the parish of Saint George	500
To the parish of Saint Thomas	400
To the parish of Saint James	400
To the parish of Saint Joseph	400
To the parish of Saint Andrew	500
To the parish of Christ Church	400
To the parish of Saint Peter	250
To the parish of Saint Philip	250
To the parish of Saint John	200
To the parish of Saint Lucy	150

(2.) Such grants shall be paid to the Commissioners of Highways of the respective parishes entitled to the same, on warrants of the Governor-in-Executive Committee; provided always nevertheless that no grant shall be received from the Treasury until the money raised under the previous year's assessment shall have been expended. How paid.

Tax on land or messuages.

(43.) 1. Every person who in any year shall be assessed by the Vestry of any parish in respect of the ownership of any land or message, and shall be liable to pay parochial taxes in respect of such land or message, shall in each such year pay to the Parochial Treasurer of the parish a highway tax in respect of such land or message at the rate of nine pence for each acre of land or one penny half-penny in the pound on the annual rent or value of such land or message; and where any person is the owner of land and a house or houses thereon or thereto belonging the tax aforesaid shall not be paid on both the land or the house or houses, but the tax shall be paid either on the land or on the message thereto belonging, whichever shall afford the largest tax, such tax on land or messuages to be regulated by the annual assessment for general parochial purposes made by the Vestry of the parish; but if there be a failure in the parish for want of a Vestry or otherwise in making such annual assessments, the tax shall be regulated by the last assessment duly made in the parish for general parochial purposes.

All persons liable to pay parochial rates shall pay a highway rate on lands and houses of nine pence per acre or one penny half-penny in the pound on the annual value.

(2.) Such highway tax shall be paid by such person at the time and in the manner, and subject to the conditions so far as the same may be applicable, at, in, and subject to which the parochial tax shall be payable; and shall be demanded and recovered by the Parochial Treasurer in the

Highways Act.

manner and subject to the rights, obligations, and conditions affecting parochial taxes.

Remission of said tax.

(3.) The Vestry of each parish are hereby authorized and may, in their discretion, remit in whole or in part any highway tax payable in respect of such land or messuage.

License to keep vehicles or animals.

Annual license for keeping of vehicle or taxable animals.

44. (1.) Every person, who on the first day of June in any year shall have been the owner of any vehicle or taxable animal, shall some time during the said month of June pay to the Parochial Treasurer of the parish the following taxes for each vehicle and taxable animal, namely:—

For each wheel of each vehicle	Two Shillings and sixpence,
For each wheel of each cycle	One shilling,
For each horse	Six shillings,
For each mule	Three shillings and nine [pence,
For each ass	Two shillings;

And every person who shall have become the owner of any vehicle or taxable animal between the first day of June of any year and the first day of June of the next succeeding year shall within thirty days after becoming the owner thereof pay to the Parochial Treasurer the taxes aforesaid, and the Parochial Treasurer shall give to such person a license in the form in the schedule to this Act annexed to keep the vehicles and taxable animals specified in such license until the thirty first day of May following, which license shall have written or printed on it a separate vehicular number for each vehicle specified therein; and the Parochial Treasurer shall also give a ticket of card or metal in the form in the schedule for each vehicle, other than a cart, mentioned in such license, which ticket shall have written or printed on it the name of the parish, a number corresponding to the number of the license, and a number corresponding to the vehicular number set against such vehicle in the license and shall also be stamped with the Parochial Treasurer's office stamp: provided always that if any person to whom such ticket shall have been issued shall lose it, he may as often as may be necessary apply to the Parochial Treasurer of the parish for a duplicate and shall on payment of a fee of threepence receive a duplicate of such ticket, with the word "Duplicate" written thereon.

Parochial Treasurer may decline to grant

(2.) If the Parochial Treasurer does not know the person in whose name application for a license to keep a vehicle or taxable animal is made, he may decline to grant

Highways Act.

such license until he is satisfied that such person is of such age and in such condition as to be responsible and liable for the obligations imposed by this Act on the holder of a license.

a license to an unknown person.

(3.) The person occupying the dwelling-house, stable, store, or building or place in or at which any vehicle or taxable animal is accustomed to stay or be kept, shall be deemed to be the owner of such vehicle or taxable animal, unless such person shall furnish satisfactory evidence to the contrary.

Who to be deemed the owner.

(4.) Every person to whom a license to keep a vehicle other than a cart shall have been issued shall firmly affix to some part thereof the ticket abovementioned, and shall on request by any Parochial Treasurer or police constable show such ticket; every person who shall fail to comply with either of the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

Ticket to be affixed to every vehicle other than a cart.

(5.) Every person driving or riding any vehicle or taxable animal shall on request by any Parochial Treasurer, police constable or parish constable, state the full name and address of the owner of such vehicle or taxable animal; and any person as aforesaid who shall refuse to state the name and address of the owner shall be liable to a penalty not exceeding five pounds and may be apprehended without warrant and taken to the police station; and every person who shall give any false name or address shall be liable to a penalty of five pounds.

Name and address of owner to be stated on request.

(6.) Any person, who shall keep any vehicle or taxable animal without having obtained a license to keep such vehicle or animal as required by this section, shall be liable to a penalty of one pound in respect of each vehicle or taxable animal kept.

Penalty for not having license.

Provided always that any person who has obtained a license to keep a four-wheeled vehicle of burden or of pleasure may use a part of the same vehicle, there being no substitution of any material whatever in place of the part taken away, with two wheels only without being required to pay any additional tax or to take out any additional license, provided that prior to such use the fact that it is intended also to use a part of such vehicle as a two-wheeled vehicle is notified to the Parochial Treasurer, and the Parochial Treasurer, (who is hereby required to make the same), shall make an endorsement to that effect on the license for such four-wheeled vehicle; and provided always that any person who has obtained a license to keep a vehicle of pleasure and who has disposed of the same and subsequently acquired therefor another vehicle of pleasure of a different description,

Proviso.

Highways Act.

but not having a greater number of wheels, may apply to the Parochial Treasurer for an amendment of his license with regard to such description, and on payment of a fee of three pence receive a new ticket for each acquired vehicle of pleasure.

Exemption.

(7.) The officers, non-commissioned officers, and men of the British Army or Navy on full pay, the Colonial Government in respect of vehicles or taxable animals belonging to such Government, and all traders in respect of vehicles or taxable animals imported for purposes of sale, shall be exempt from the operation of this section.

Exemption.

(8.) Cycles used by children under twelve years of age, perambulators, and cycles the bona fide property of any officer in any naval service or of any visitor to the Island, provided that such cycles be re-embarked within fourteen days from the date of landing, shall be exempt from the operation of this section.

Recovery of penalties under this section.

(9.) All offences and penalties under this section may be prosecuted and recovered in a summary manner before a Police Magistrate on the complaint of the Parochial Treasurer of the parish, and all penalties shall be paid, one-third to the complainant, one-third to the person on whose information the offender was convicted, and the residue to the Parochial Treasurer of the said parish for the uses of the highways of such parish.

Publication of lists of licensed persons

(10.) The Parochial Treasurers of the several parishes shall publish, during the month of July in each year, a list of the names and addresses together with the number of the license of all persons to whom licenses to keep any vehicle or taxable animal shall have been issued; and shall as often as is necessary for the purpose of this Act publish a list of the names and addresses and number of licenses of all persons to whom such licenses shall have been issued since the last such publication; and such publication shall be made by keeping at each police station and each Parochial Treasurer's office in such place or places as shall be accessible to any person desiring to inspect the same, and by distributing among such parish constables as they shall see fit, printed copies of the above-mentioned list of names, addresses, and licenses issued: and the Parochial Treasurers of the several parishes are hereby authorized to obtain from the public printer on the order of the Clerk of the House of Assembly as many copies of such lists as they may require for such publication in their respective parishes and shall pay for the same at public contract prices out of the highway funds.

Highways Act.

(11.) The Parochial Treasurer of any parish, if he has reason to believe that any person is keeping a vehicle or taxable animal without a license, may prefer a complaint to that effect before a Police Magistrate, who shall summon such person and examine him on oath or affirmation touching the matter in issue, which oath or affirmation such person shall make, and if such person shall on examination make a false statement wilfully, he shall be liable to be prosecuted for perjury.

Examination before a Magistrate of persons suspected of infringing this section.

Payment of taxes on land under control of Court of Chancery or Provost Marshal.

45. (1.) In all cases in which any plantations, houses, lands, or properties in this Island which are or shall be rateable in respect of highway taxes shall be, or have been before the passing of this Act, levied on by the Provost Marshal under any execution, and in cases of plantations, houses, and lands belonging to the estate of a bankrupt trader, the amount of any highway taxes due in respect of any such plantations, houses, lands, or properties, and all future highway taxes which may accrue or be laid and become payable in respect thereof during any time such plantations, houses, lands, or properties shall remain unsold in the said Provost Marshal's office and Official Assignee's office, respectively, shall be a charge on the same, prior and preferably to all other liens and demands affecting the same. And when any such plantations, houses, lands, or properties shall be sold by the Provost Marshal or Official Assignee the amount of all such highway taxes shall be paid out of the purchase money thereof, prior and preferably to any mortgages, judgments, executions, or liens against the property so sold; provided always that the Provost Marshal and Official Assignee shall be, and they are hereby respectively authorised from time to time to pay and allow the amount of any such taxes already due and which shall or may accrue due in respect of any plantations, lands, houses, or properties remaining unsold out of any moneys now in their hands or which may hereafter come to their hands out of or in respect thereof. In all cases in which plantations have been or shall be placed under the control of the Court of Chancery, and no receiver shall be appointed, all unpaid parochial rates and taxes shall be a first lien on the same until paid.

Provision for payment of taxes on property under Court of Chancery, &c.

(2.) No owner whose plantation, house, land, or Owner when property has been taken in execution or passed to the

Highways Act.

Liability in
respect of taxes.

Official Assignee on bankruptcy shall be liable in respect of any highway taxes which have accrued or may accrue during the time such property remained under the control of the Provost Marshal or Official Assignee; provided always that should the execution be raised or abandoned, or the fiat of bankruptcy annulled, the liability of such owner in respect of such property shall revive.

Parochial Treasurers to account.

Parochial
Treasurers to
account when
called upon.

46. The Parochial Treasurers shall once in every six months, or oftener if called upon for that purpose by the Commissioners of Highways for their respective parishes, account to such Commissioners for all sums of money received by them under the authority of this Act, and they shall make quarterly returns to the said Commissioners of all moneys received by them for taxes, penalties, forfeitures, fines, and otherwise: and if any Parochial Treasurer shall neglect duly to enforce payment of all taxes which he is hereby authorised to collect for the uses of the highways, he shall for every such neglect forfeit a sum not exceeding two pounds, and if any Parochial Treasurer shall in any way misapply or divert any of the moneys received by him to any purpose whatsoever not authorized by this Act, he shall be liable in addition to any penalty or punishment to which he may otherwise by any law be liable, to pay double the amount of the sums of money so misapplied or diverted by him.

Remuneration of Parochial Treasurers.

Parochial
Treasurers' com-
mission for
collecting high-
way rates.

47. The Parochial Treasurers shall be allowed as a remuneration for the duties required of them by this Act, other than the duty of prosecuting any offender, a commission at the rate of six pounds per cent. on all sums of money collected and received by them for the purpose of this Act, except on the sums granted from the Public Treasury.

Books of account.

Books of
account.

48. The Parochial Treasurers shall, and they are hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and disbursed for road purposes, and of the several articles, matters, and things, for which such sums of money shall have been so received and disbursed, which book or books shall on one day in the week to be fixed by the Commissioners, between the hours of ten

Highways Act.

and three o'clock in the daytime be open for the inspection of all persons rated in the said parish, or their legally constituted representatives, without fee or reward, and the said persons aforesaid or any of them shall and may take copies of or extracts from the book or books or any part or parts thereof without paying anything for the same, and in case the Parochial Treasurer or clerk to the said Commissioners or person with whom such book or books shall remain shall on any reasonable demand refuse to permit, or shall not permit, the said ratepayers or any of them as aforesaid to inspect the said book or books, or to take such copies or extracts as aforesaid, such Parochial Treasurer, clerk, or person as aforesaid, shall forfeit and pay a sum not exceeding two pounds for every such offence.

Bond.

49. (1.) The Parochial Treasurers shall, before entering upon the duties required of them by this Act, become bound by obligations in writing to Her Majesty, her heirs and successors, as follows, that is to say:—as respects the Parochial Treasurer for the parish of Saint Michael, himself in the sum of five hundred pounds, with two sufficient securities in the sum of two hundred and fifty pounds, each; and as respects the Parochial Treasurer of each of the other parishes, himself in the sum of two hundred and fifty pounds, with two sufficient securities in the sum of one hundred and twenty five pounds each; such securities to be approved by the respective boards of Commissioners of the several parishes to which the said Parochial Treasurers belong; and the conditions of the said obligations shall be that the said Parochial Treasurers shall duly account with the Commissioners of Highways of their respective parishes for all sums of money received by them, when and as often as they shall be thereto required.

(2.) The obligations to be entered into under this Act by the Parochial Treasurers shall be lodged with the Colonial Treasurer and remain in his office until the same shall be duly discharged; and in case of any breach in the condition of the said obligations the said Colonial Treasurer shall forthwith put the same in suit, and he is hereby authorised to pay all moneys necessary for prosecuting such suit, and shall pay the sums recovered to the order of the Commissioners of Highways of the parish or city to which such obligation refers; and if the sums of money in default shall exceed the amounts of such obligations, the same shall be and remain as debts against the Parochial Treasurers, as

Highways Act.

the case may be, and the said Colonial Treasurer shall proceed by action of debt to recover the amounts in excess of such obligations and pay the same over in manner as aforesaid.

Auditing of accounts.

Auditing of
Parochial Treasurers' accounts.

50. The Parochial Treasurer of every parish is hereby enjoined to use all due diligence in collecting the taxes aforesaid within the time limited for that purpose, and he shall on or before the fifteenth day of each month pay into the Colonial Bank to the credit of the respective Commissioners, all sums collected by him and then remaining in his hands, and send the bank receipt for each such payment, countersigned by the Chairman, to the Auditor General, and the said Auditor General shall have full power and authority to call for and examine all books, accounts, and vouchers of any Parochial Treasurer as he shall deem fit and necessary in the exercise of his duties; and if any Parochial Treasurer shall make default herein, he shall incur a penalty not exceeding ten pounds for each default, to be recovered in a summary manner before a Police Magistrate on the complaint of the Auditor General who is hereby required after due warning to make such complaint.

Returns to
House of Assembly
twice a year.

51. (1.) The Parochial Treasurers of the respective parishes and of the City of Bridgetown shall on the first day of May and the first day of November in each year make a return to the General Assembly, audited and certified to the thirty first day of March and the thirtieth day of September respectively, of all sums of money received and expended in their respective parishes under the provisions of this Act, showing in such return the amount received as tax on rents, the number of acres of land, the number of horses, mules, asses, and wheels, and the extent of road repaired, and in default thereof shall incur a penalty, not exceeding ten pounds.

Auditors.

(2.) The Commissioners of Highways of the several parishes are hereby authorized and required to appoint and pay an auditor to audit the highway accounts of their respective parishes.

Parochial Treasurers declining to act.

Provision in
case Parochial
Treasurers
decline to accept
duties imposed
by this Act.

52. Should the Parochial Treasurer in any parish decline to take upon himself the duties required of him by this Act, or should he neglect or refuse to give the required security, the Commissioners of Highways of such parish or city shall appoint some fit and proper person to perform

Highways Act.

such duties : and the person so to be appointed shall enter into such obligation and with such securities as if he were the Parochial Treasurer, and he shall have the like powers and authorities, and be entitled to the like commissions, and be subject to the like responsibilities as if he were the Parochial Treasurer ; and the obligation entered into by him and his securities shall in every respect be dealt with as if entered into by a Parochial Treasurer.

PART V.

MISCELLANEOUS.

Penalty for injury to highways.

53. If any person shall injure, obstruct, alter, or in any manner interfere with any highway, or with any milestone affixed on the side of any highway, except with the consent of the Commissioners of Highways of the parish or city in which the same may be situate, such person shall be liable to a penalty not exceeding four pounds, and he shall also pay to the Parochial Treasurer of the parish whatever sum may be expended by the order of the Commissioners of the parish in removing or correcting such injury, obstruction, alteration, or interference, which sum, if not paid within ten days after notice thereof shall be given to him or left at his usual place of abode by the said Parochial Treasurer, shall be recovered in a summary manner as a penalty under this Act.

Disturbance on highways.

54. (1.) Any person who on or near a highway or in any public place, or on or near to any road over which the public are allowed to pass, shall make use of obscene or indecent language, or shall blackguard, swear, quarrel, or make or cause to be made any disturbance or annoying noise, may be apprehended without warrant by a Justice of the Peace, police constable, or parish constable, and shall be liable on conviction before the Police Magistrate of the district to a fine not exceeding two pounds, or in the discretion of the Police Magistrate to imprisonment for any time not exceeding one month, with or without hard labour.

Provided always that if the Police Magistrate upon the hearing of any such charge shall deem the offence to be so trifling as not to merit any punishment he shall dismiss the complaint, and shall on such dismissal, if he shall deem fit, require the costs of the proceedings to be paid by the complainant.

Highways Act.

(2.) Every Justice of the Peace, police constable, or parish constable is hereby required to disperse all mobs on any of the highways or public places of this Island; and if any person being in such mob shall refuse to disperse on being required so to do, or shall use any threatening or insulting language to any Justice of the Peace, police constable, or parish constable when required to disperse, it shall be lawful for every Justice of the Peace, police constable, or parish constable to apprehend every such person without warrant, and such person on conviction before the Police Magistrate of the district shall be liable to a fine not exceeding five pounds, or in the discretion of the Police Magistrate to imprisonment with or without hard labour for any term not exceeding three months.

(3.) If any person shall by bathing in the sea, or in any river or pond, indecently expose his person to the view of persons residing or passing near thereto, or if any person shall in any way indecently expose his person on or in the view of any highway, or public place, he shall be liable to a penalty not exceeding twenty five shillings.

Implements.

Custody of
implements.

55. All carts, tools, implements, and other things belonging to the highway departments of the several parishes shall be kept by such persons as shall be appointed to receive the same by the Commissioners of Highways of the said parishes authorised to carry this Act into operation.

Tramways across highways.

Tramways
allowed to be
laid across,
subject to
conditions.

56. It shall be lawful for the owner of any plantation to lay down tramways to facilitate the delivery of produce to and from the factory, and such tramway may be constructed, subject to the provisions hereinafter mentioned, across any public road. Section two, sections fifteen to twenty four (both included), sections twenty nine, forty one, forty two, forty four, forty six and forty eight, and sections fifty to fifty three (both included) of the Bridgetown Tramways Company, Limited, Act 1911 shall be incorporated with this Act, and shall continue to be so incorporated notwithstanding that such Act may be subsequently repealed, and the reference in the said sections to the Bridgetown Tramways Company, Limited, shall be deemed to apply to the owner aforesaid constructing the tramway. And the tramways authorised by this section across any public road shall be constructed and maintained subject to and in

Highways Act.

accordance with the provisions, regulations, and restrictions contained in the same sections of the said Act; provided always that no tram car shall come to a standstill on any portion of the highways crossed by the tramway, and for every infringement of this proviso the person or company owning the tramway shall be liable to a penalty not exceeding five pounds.

Power to require gas and water pipes to be moved &c.

57. When for any purpose of this Act the said Commissioners deem it necessary to raise, sink, or otherwise alter the situation of any water or gas pipes, mains, plugs or other waterworks or gasworks, laid in or under any highway they may by notice in writing require the owner of the pipes, mains, plugs, or works to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice; the expenses of or connected with any such alterations shall be paid by the said Commissioners; and if such notice is not complied with at the expiration of two months from the date thereof the said Commissioners may themselves make the alterations required; provided that no such alterations shall be required or made which will permanently injure any such pipes, mains, plugs, or works or prevent the water or gas from flowing as freely and conveniently as usual.

Removal of gas
or water pipes

Penalties.

58 Every person violating any of the provisions of this Act, for which no penalty is by this Act expressly provided shall, on conviction thereof, be liable to a penalty not exceeding five pounds.

General penalty
section.

59. All fines, forfeitures, and penalties imposed by this Act, for which no express provision is made by this Act, may be recovered in a summary manner before a Police Magistrate on the complaint of any person, and shall be paid to the Parochial Treasurer of the parish in which the same were incurred for the use of the highways.

Recovery and
disposal of
penalties.

Service of summons when owner absent.

60. Whenever a summons is issued to require the attendance of the owner or occupier of any land or messuage, or the owner of any vehicle or taxable animals, for a breach of any of the provisions of this Act, such summons may be served, if the owner or occupier cannot be

Service of
summons when
owner absent.

Highways Act.

found or is not in the Island, by posting up the said summons on some conspicuous part of the land or messuage, or on the dwelling-house, stable, store, or building or place in or at which any vehicle or taxable animal is accustomed to stay or be kept.

Provision for carrying out this Act.

Provision for ensuring the carrying out of the provisions of this Act.

61. Such of the provisions of this Act as are to be performed or carried out by Commissioners, superintendents, Inspectors, or persons entrusted with the care, maintenance, or repair of the roads, shall, when there may not be any such person duly appointed according to law, be performed and carried out by some proper person or persons to be appointed by the Vestry of the parish in which the same ought to be performed or carried out, anything hereinbefore contained to the contrary notwithstanding; and the person or persons so to be appointed shall be reimbursed by the Vestry all such expenses as shall be necessarily incurred in discharge of the same.

SCHEDULE.

Section 44 (1.)

LICENSE.

No...	.....	190
.....	..... of	having paid to
me the sum of	pounds	shillings and
	pence is hereby licensed to keep the under-	mentioned animals or vehicles (as the case may be) until the
	thirty-first day of May 190	
Horses		
Mules		
Asses		
Vehicle No.	(here describe the vehicle to which this No. specifically relates, giving number of wheels)	
Vehicle No.	... ..
Vehicle No.	... ..
Vehicle No.	... ..

Parochial Treasurer.

1900—7.

Highways Act.

TICKET.

Parish of... ..
 No. of License

Vehicle Number

Description of Vehicle and number of wheels.....

Date of issue.....

1900—8.

An Act to authorize the Vestry of the Parish of St Philip in this Island to raise a loan for the purpose of purchasing a suitable spot of land and erecting thereon a Vicarage for St. Martin's in the said Parish.

[6th December, 1900.]

WHEREAS the Vestry of the parish of St. Philip in this Preamble.
 Island have, by their humble petition to the Legislature of this Island, prayed that they may be authorized to raise a loan not exceeding one thousand pounds for the purpose of purchasing a suitable spot of land and erecting thereon a Vicarage for Saint Martin's Chapel in that parish; and whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the Saint Short Title.
 Philip Parish (Barbados) Loan Act, 1900.

2. It shall be lawful for the Vestry of the said parish Vestry author-
 of Saint Philip, and they are hereby authorized from time ized to borrow
 time as they may require the same, to borrow from any a sum not ex-
 person or persons, body or bodies corporate or politic, ceeding £1,000
 willing to lend them the same, a sum or sums of money not and erect a vic-
 exceeding one thousand pounds to be applied by them in arage for St.
 purchasing a spot of land and erecting thereon a Vicarage Martin's Chapel.
 for Saint Martin's Chapel in the said parish, and the sum or
 sums so borrowed with interest thereon at a rate not
 exceeding six pounds per centum per annum shall be the
 first charge on the rates of the said parish until paid.

3. For the purpose of repaying any sum or sums which Rates to be laid
 may be borrowed as aforesaid, not exceeding together the for repayment
 sum of one thousand pounds, the said Vestry are hereby of loan.

Saint Philip Parish (Barbados) Loan Act.

authorized and required to lay a rate in the said parish in the year one thousand nine hundred and one and each of the nine then next following years sufficient to pay in every of those years an equal tenth part of the sum or sums which may be borrowed with the interest annually becoming due in those years on the principal sum and the unpaid balances thereof, and such rates are to be laid in the usual manner and are to be subject to confirmation or amendment in the usual manner.

Rate to be laid for expenses of preparing and passing this Act &c.

4. The said Vestry are hereby authorized and required to lay a rate at the same time that the annual rates are laid in the said parish for the purpose of meeting the cost of preparing and passing this Act, and for defraying all expenses incurred by them from time to time in carrying out the provisions of this Act.

Majority of Vestry to be the Vestry for the purposes of Act.

5. All acts, matters, and things authorized or necessary to be done or executed by the said Vestry under this Act may be done and executed by the majority of the members of the said Vestry in meeting assembled.

1901—1.

An Act to fix a Tariff of duties on goods imported into this Colony.

[29th March, 1901.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Customs Tariff Act, 1901.

Duties of customs.

2. There shall be raised, levied, collected, and paid unto His Majesty, his heirs and successors, for the use of this Colony, upon live stock, goods, wares and merchandise imported into this colony, or which may be in bond when this Act comes into operation, the several duties of customs set forth in Table A in the schedule to this Act entitled "Duties of Customs Inwards," and the articles mentioned in Table B in the schedule to this Act, entitled "Exemptions from Duty," may be imported without payment of any duty.

Duties to be ascertained &c., under the Trade Act, 1910.

3. The duties imposed by this Act shall be ascertained, raised, levied, collected, paid, recovered and applied under the Trade Act, 1910, or any other Act which may now or hereafter be in force having reference to the trade or revenue of this colony.

Customs Tariff Act.

4. The duties under this Act shall be paid and received according to the weights and measures established by the Weights and Measures Act, 1891; and in all cases wherein the same are imposed according to any specific quantity or value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value. Mode of calculating weights and measures.

5. This Act shall continue in force until and inclusive of the thirty first day of March one thousand nine hundred and twelve. Duration of Act.

SCHEDULE.

TABLE A.

DUTIES OF CUSTOMS INWARDS.

Specific Duties.

	£	s.	D.
Arrowroot, Tous-les-mois, and all other Starches, the 100lbs.	2		6
Asses, each	5		0
Bran and Pollard, the 100lbs.			7½
Bread, Pilot and Navy, and Crackers, the 100lbs ...	1		0
Bricks, the 1,000	5		0
Butter the 100lbs.	8		4
Oleomargarine, Margarine, and their compounds, the 100lbs.	4		2
Candles, other than tallow, the 100lbs.	8		4
Candles, tallow, the 100lbs.	4		2
Cement, the barrel	1		3
Cheese, the 100lbs.	8		4
Coal, and the mixed preparations thereof, and Coke, the ton	2		6
Cocoa, the 100lbs.	4		2
Coffee, the 100lbs.	6		3
Cordage (except twines), the 100lbs.	3		0
Corn, Maize, Barley and Wheat unground, the 100lbs.			6
Firearms, each	10		0
Fish—dried, salted or smoked, the 112lbs.	1		6
Fish—pickled, other than trout or salmon, the barrel	1		3
Fish—pickled, trout or salmon, the barrel	4		2
Flour, wheat or rye, the barrel of 196lbs.	4		2
Grain (including beans and peas) not already specified, the 100lbs.			9

Customs Tariff Act.

	£	s.	D.
Indian Meal, or other kinds, the barrel of 196lbs. ...	1	3	
Hay, the 100lbs			3
Horses under 14 hands high, each	10	0	
Horses, all others, each	2	0	0
Lard, and its compounds or substitutes, the 100lbs.	4	2	

LIQUORS—

Malt liquor, cider and perry in wood, the cask 64 gallons	18	9	
Malt liquor, cider and perry in bottles, reputed quarts, the dozen	1	3	
Spirits and cordials, except rum and perfum- ed spirits to be used as perfumery only, the gallon	10	0	
Gin, for every gallon below or equal to proof by Sykes's hydrometer	5	0	
Gin, for every higher degree of proof, in pro- portion.			
Rum, for every gallon below or equal to proof by Sykes's hydrometer	5	0	
Rum, for every higher degree of proof, in pro- portion			
Wine—sparkling, per gallon	5	0	
Wine—all other kinds, per gallon	2	0	
Manures and Fertilizers, other than the raw man- ure of horses, mules, sheep and cattle, the ton	4	2	
Manure, raw, of horses, mules, sheep and cattle, the ton			6
Matches, the gross of 12 dozen boxes, each box to contain not exceeding 100 sticks	1	6	
Matches, boxes, containing any greater or less quantity to be charged in proportion			
Meat, salted or cured, the 100lbs.	4	2	

METALS, new—

Composition nails, bolts, bars, rods, spikes, and rivets, the 100lbs.	4	2	
Copper in sheets, rods, bars, bolts, spikes, nails, and rivets, the 100lbs... ..	4	2	
Iron hoops, bars and rods, the 100lbs.			4
Iron nails, spikes, rivets and clinches, the 100lbs.	1	0	
Lead, sheet and pipe, the 100lbs.	1	0	
Yellow metal, in sheets, the 100lbs.	4	2	

Customs Tariff Act.

£ s. d.

METALS, old—

Copper, Brass, and Pewter, per 100lbs.	..	2	0
Molasses, per gallon	... ..		1
Mules, of the value of £12 10s. and upwards	... 1	10	0
Mules under the value of £12 10s.	... ..	1	0
Oats, the 100lbs.	... ..		7½
Oil, Kerosene, the gallon	... ..		4
(except kerosene oil or any of the by-products of petroleum to be used exclusively as fuel in oil or motor engines, on a certificate to that effect from the importer)			
Oil Meal and Oil Cake, the 100lbs.	... ..		7½
Opium, extract of Opium, Cannabis Indica and its extracts and preparations including Bhang, Gange, Charas, and Majoon, the lb.	... ..	15	0
Oxen, Bulls, and Cows, each	... ..	5	0
Rice, the 100lbs.	... ..	1	0
Salt, the ton	... ..	6	0
Sheep and Goats, each	... ..	1	6
Soap, the 100lbs.	... ..	1	6
Swine, except sucking pigs, each	... ..	1	6
Sugar, the 100lbs.	... ..	2	0
Tallow, the 100lbs.	... ..	2	0
Tea, the lb	... ..		3

TOBACCO—

Cigars, Cheroots, and Cigarettes, the lb.	... ..	5	0
Snuff, the lb.	... ..	1	0
Other manufactured tobacco, the lb.	... ..	1	6
Other manufactured tobacco, if in outer packages of less than 80lbs. net weight each, the lb.	... ..	2	0
Leaf, the lb.	... ..	1	0
Leaf, if in outer packages of less than 50lbs. weight each, the lb.	... ..	1	6

WOOD—

Hemlock, birch, beech, white pine, pitch pine, and spruce, the 1,000 feet superficial measurement of one inch thickness	... ..	5	0
Hoops, whether coiled or straight, the 1,200 pieces	... ..	6	0
All other kinds except in naves, felloes, spokes and unsquared posts, the 100 cubic feet	... ..	8	4
Shingles of all descriptions, the 1,000	... ..	1	6

Customs Tariff Act.

	£	s.	d.
Staves, white and red oak, whether loose or made up in bundles, or shooks, the 1,200 pieces	6	0	
Oxbows, the dozen	6		
Truss Hoops, the set of nine	1	3	

Advalorem Duties.

All other articles not in this table particularly enumerated, or in table B particularly exempted, to pay ten per cent, ad valorem.

TABLE B.

EXEMPTIONS FROM DUTY.

All articles for the use of the Governor of the Island.

All articles and things whatsoever imported or purchased out of bond by the local Government for the police or for public institutions.

All articles specially imported for the use or decoration or building or repairing of any place of worship, and not imported for sale, on the certificate to that effect of the officiating minister.

All articles and things of every description imported by any naval officer on full pay in His Majesty's service for his use and accommodation, on the certificate to that effect of the officer so importing.

The Governor, purchasing any articles whatsoever, shall be entitled to have the duty refunded to him out of the Public Treasury on the warrant of the Governor-in-Executive Committee, on the certificate that he is entitled to the refund.

Where horses are purchased by the Governor direct from the importer within six months after the date of import, the duty shall be allowed him on the warrant of the Governor-in-Executive Committee, on the certificate that he is entitled to the refund.

All articles and things of every description imported as general, military, or naval stores for the use of His Majesty's Military and Naval Forces, and all building materials and supplies, imported or taken out of bond or under the authority of His Majesty's Treasury for Military and Naval services, under certificate from the head of the department concerned. Chargers imported by, and bona fide the property of, field officers or departmental

Customs Tariff Act.

officers of relative rank, or of staff officers or adjutants of regiments, and necessary for the proper discharge of their military duties, under a certificate from the Assistant Adjutant General.

Articles of personal and horse equipment necessary for the performance of military duty, under a certificate from the head of the department concerned. Horses imported for the use of the Army or purchased for the use of the Army within six months of their being imported, under a certificate from the head of the department concerned.

All bona fide official supplies sent for the use of any Consular or other officer by his Government, if the Governor-in-Executive Committee, on proof that such Government accords to British Consular or other such officers within its territory similar treatment, thinks fit as a matter of courtesy to exempt such supplies from customs duties; provided always that such officer, before receiving such supplies free of duty, shall make a declaration before the Comptroller that such supplies are sent by his Government for his official use; and provided also that any such exemption shall not exempt such officers from customs duties generally.

All silver, plate, glass, lamps, china, crockery, linen, and cutlery, the property of the Officers' and Sergeants' Mess of any of His Majesty's regiments arriving in this Colony; provided that should any of such articles be sold or otherwise disposed of in this Colony the duty thereon shall be paid to the Comptroller of Customs.

All rifles, parts of rifles, rifle accessories, and all rifle ammunition specially imported exclusively for the objects and purpose of the Barbados Rifle Association by or for the use of any member thereof, on the certificate to that effect of the Secretary for the time being of such Association.

All articles, except intoxicating liquor, which shall be imported into this Island and which shall be proved to the satisfaction of the Comptroller of Customs to have been sent to this Island as bona fide gifts for prisoners of war.

All articles specially imported by the Vestry of the parish of Saint Michael for the use of Queen's House and grounds and for the conversion of the latter into a public park, on the certificate to that effect of the Churchwarden of the said parish.

Asphalt.

Belting for machinery.

Blubber and heads and offals of Fish.

Bones, Horns, and Dried Blood.

Books, bound and unbound, Almanacs, Cards (other than playing cards), Papers and printed matter intended for

Customs Tariff Act.

advertisements, Pamphlets, Newspapers, and printed matter in all languages, Forms, and papers (whether printed or manuscript), Maps, Charts, School Globes, Engravings, Music, Pictures, Statues and other works of Art ; provided always that the importation of books shall be subject to the provisions of copyright laws.

- Bottles of glass or stoneware.
- Calves, sucking.
- Cassaripe.
- Cocoanuts.
- Coin and Bullion.
- Cotton wool.
- Eggs.
- Foals.
- Fresh Fish and Turtle.
- Fresh Fruit and Vegetables.
- Fuel - Wood and Charcoal.
- Gravel, sand, soil, earth and peat.
- Green Ginger.
- Gunpowder, gun cotton, dynamite, nitro-glycerine and other explosive matter whatsoever.
- Hoesticks.
- Horses brought into the Island by equestrian companies, provided the same are taken away by them on leaving ; and race horses, on every occasion after the first importation thereof, provided no drawback had been claimed thereon on exportation.
- Hulls, boats, masts, spars, apparel, tackle and furniture of vessels condemned by survey, and on which tonnage duties shall have been paid.
- Ice.
- Kerosene oil, or any of the by-products of petroleum, to be used exclusively as fuel in oil or motor engines on a certificate to that effect from the importer.
- Kids and sucking Lambs.
- Leeches.
- Lemon and Lime Juice.
- Lime, building and temper.
- Limestone.
- Live and dead Stock not enumerated in Table A.
- Logwood.
- Machinery and apparatus imported for the purpose of manufacturing bricks, tiles, cements, pipes and other articles of the like nature, and for renewing the same as it shall from time to time become worn and useless.
- Machinery imported for the purpose of reaping or manufacturing sugar or rum.

Customs Tariff Act.

Machinery and apparatus imported for use in the construction and establishment of ice factories and for the manufacture of ice.

Machinery and apparatus imported for the purpose of boring for oil or petroleum or for mining asphalt (commonly called manjak) or other minerals.

Machinery and apparatus imported for the purpose of refining oil or petroleum or manufacturing any article of commerce from oil obtained in this colony or for manufacturing fuel from manjak.

Machinery and apparatus imported for the purpose of manufacturing matches.

Machinery and apparatus imported for the purpose of manufacturing tobacco or cocoa.

Machinery, implements, and apparatus required for the purpose of manufacturing and manipulating cotton cotton seed and all the by-products of cotton seed.

In the preceding paragraph the term "cotton" shall mean the soft downy substance attached to or separated from the seeds of the cotton plant; and the term "cotton seed" shall mean the seed of the plant producing "cotton."

Machinery and apparatus imported for the purpose of manufacturing hard bread and crackers from imported flour.

Metals—old Iron and old Lead.

Packages in which goods are imported except New Trunks, Vats, Hogsheds, and Puncheons.

Paper for printing; and Writing and Wrapping Paper.

Passengers' baggage containing apparel and articles of personal use, and professional apparatus.

Patterns and samples of no intrinsic value.

Personal effects of individuals belonging to this Island dying abroad.

Printing Presses, Printing Ink, and Type.

Puzzolana.

Rags.

Raw Hides and Skins.

Sawdust.

Specimens illustrative of Natural History, Seeds, Bulbs, and Roots, and Cuttings of Plants or Shrubs of all kinds.

Straw.

Tablets and Tombstones and all the appurtenances thereto imported specially for immediate erection and not for sale, on certificate of the person for whom imported.

Tar, Pitch, and Resin.

Turtle and Tortoise Shell.

Representation of the People Act

1901—2.

An Act to consolidate the Acts of this Island relating to the Representation of the People.

[23 May 1901.]

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

Short title.

1. This Act may be cited as the Representation of the People Act, 1901.

Qualification of members.

Qualification of representatives.

2. Every male subject of His Majesty, his heirs and successors (not being a clerk in holy orders or other minister of religion or any individual the functions of whose office are of a judicial nature), of twenty one years of age and upwards, who shall possess any one of the qualifications below, shall be qualified to be elected a member of the Assembly of this Island, namely :—

(1.) thirty acres of land in fee simple or fee tail with a dwelling-house thereon, which dwelling-house shall be of not less value than the sum of three hundred pounds :

(2.) ownership in fee simple or fee tail of lands, houses, or any real estate whatsoever, of the absolute value of one thousand five hundred pounds :

(3.) tenant for life or who, or whose wife, shall have and be beneficially interested for life or for any greater estate either in law or equity in any lands, tenements, or hereditaments of not less than the annual value of one hundred and twenty pounds, whether such lands, tenements, or hereditaments be in the occupation of such person or rented or leased out ; provided the rent received be not less than one hundred and twenty pounds and that the renting or leasing be a bona fide renting or leasing, and the person claiming to be qualified in respect thereof or his wife be entitled to such rent for his or her own use and benefit :

(4.) who, or whose wife shall be in the receipt of a clear annual income of not less than two hundred pounds being the rents, issues, or proceeds of any messuages, lands, or

Representation of the People Act.

hereditaments, or derivable from any pension, profession, office, or trade, or from dividends in the public funds or stocks of Great Britain, or from interest on any loans advanced to the Government of this Island, or from interest of money secured by mortgage or other speciality in this Island over real estate exceeding the value of the money secured thereon, or from dividends or other annual income derivable from shares of any company incorporated by Act of this Island.

Qualification of voters.

3. Every man a subject of His Majesty, his heirs and successors, of full age and not subject to any legal incapacity, who shall possess either of the qualifications hereinafter mentioned, shall be entitled to be registered as a voter, and when registered to vote at any election for any two candidates to serve in the General Assembly of this Island for the parish, or city of Bridgetown, in respect of which he may be registered as a voter, and in which his qualification may be situated, namely :

Qualification of voters.

(1.) who is seised at law or in equity of any land or tenements of freehold for his own life or for the life of another, or for any lives whatsoever, or in right of marriage, or as a dower of his wife, or for any larger estate, of the yearly value of not less than five pounds, and who in his own right or in right of his wife shall have been in the actual possession thereof or in the receipt of the rents and profits thereof for his use for twelve months at least next previous to his claim to be registered, and the deed or deeds under which such lands or such estate or interest shall be claimed shall have been proved and recorded three months in the Registration Office; unless possession of the same or receipt of the rents and the profits thereof shall have been had or taken by him for two years next previous to his claim to be registered :

(2.) who in his own right or in right of his wife shall be entitled for his or her life to rents and profits issuing out of any lands or tenements in this Island to the amount of five pounds per annum and upwards, and who shall have been in the receipt of such rents and profits for his use twelve months at least next previous to his claim to be registered, and the deed or deeds under which such rents and profits shall be claimed shall have been proved and recorded three months in the Registration Office; unless the said rents and profits shall have been had or taken by him for two years next previous to his claim to be registered :

Representation of the People Act.

(3.) who is the occupier of any land or of any house, warehouse, store, counting-house, shop or other building or buildings being either separately or jointly occupied with any land, which is parochially assessed at the value of fifteen pounds per annum, or is of that value, and who for six months next previous to his claim to be registered shall have been in the occupation of any such lands, house, warehouse, store, counting-house, shop or other building or buildings :

(4.) who shall have paid taxes assessed by the Vestry of the parish of Saint Michael in respect of the city of Bridgetown of not less than two pounds, or shall have paid taxes assessed by the Vestry of any of the other parishes, or by the Vestry of the parish of Saint Michael in respect of the rural part of that parish, of not less than one pound for the year next previous to his claim to be registered, exclusive of the year in which he registered, and who shall have paid all such taxes as shall be due and payable by him at the time he claims to be registered ; provided that no person claiming to vote under this subsection shall be entitled to vote at any election who shall be in arrear for any such taxes :

(5.) who shall be employed at the time he claims to be registered by any private person, and shall have been continuously so employed for twelve months next previous thereto, as an agricultural attorney, manager, bookkeeper or clerk, or in the capacity of an agent or upper servant, or in any other capacity except that of a domestic or other menial servant, at a salary of not less than four pounds three shillings and four pence per month, and shall have resided for six months next previous to his claim to be registered and shall be then residing in the parish, or city of Bridgetown, for which he claims to be registered ; and no person so registered as a voter under this subsection shall be entitled to vote at any election for any parish or town unless he shall be bona fide so employed therein at the time of such election :

(6.) Who shall have a clear income at the rate of not less than fifty pounds per annum at the time he claims to be registered, and shall have had the same for twelve consecutive months next previous thereto, derivable from any pension, occupation, office, or trade, other than that of domestic or menial servant or any employment of the like or of a menial nature, and who shall have resided for six months next previous to the time he claims to be registered and shall be then residing in the parish, or city of Bridge-

Representation of the People Act.

town, for which he so claims to be registered; and no person so registered as a voter under this subsection shall be entitled to vote at any election for any parish or town unless he shall be bona fide so residing therein at the time of such election :

(7.) who shall be in the actual receipt of a clear income at the time he claims to be registered, and shall have had the same for one year next previous thereto, of not less than fifteen pounds per annum, charged on real estate in this Island or derived as interest from money or capital secured by mortgage or other security over real estate in this Island, or being dividends derived from debentures or shares of any company incorporated by Act of this Island, and who shall have resided for six months next previous to the time he claims to be registered and shall be then residing in the parish, or city of Bridgetown, for which he so claims to be registered :

(8.) who is recognized as a barrister, solicitor, physician or surgeon, or who holds the degree of B.A., M.A., or any other degree of any university of the United Kingdom of Great Britain and Ireland, or a testamur from Codrington College, and who shall have resided for six months next previous to the time he claims to be registered and shall be then residing in the parish, or the city of Bridgetown, for which he so claims to be registered; and no person so registered as a voter under this subsection shall be entitled to vote at any election for any parish or town unless he shall be bona fide so residing therein at the time of such election :

(9.) who shall be a bona fide lodger in any house in any parish, or in the city of Bridgetown, for which he claims to vote, rated at not less than fifty pounds per annum and shall as such lodger pay a stipulated sum of not less than at the rate of fifteen pounds per annum, and who shall have been continuously an occupant in any house as such lodger for at least six months next previous to his claim to be registered and shall be at the time of election occupying as aforesaid :

and no person shall be entitled to vote in the election of a member or members to serve in the House of Assembly unless he shall possess one of the qualifications above mentioned, and unless he shall be registered according to the provisions hereinafter contained; provided always that when any lands or tenements or the rents and profits thereof which would otherwise confer the right of voting shall come to any person at any time within the said period

Representation of the People Act.

of twelve months mentioned in subsections one and two by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office, such persons shall be entitled in respect thereof to have his name inserted as a voter in the election of a member or members to serve in the Assembly in the list then next to be made by virtue of this Act as hereinafter mentioned, and upon being duly registered according to the provisions hereinafter contained, to vote at such election.

Annual value of house determined by parochial assessment.

4. The annual value of any house or houses or tenements, in respect of which any right to vote shall be claimed, shall be determined in the first instance, and until an objection is made thereto, according to the amount at which the same shall be rated for the purpose of parochial or general taxation, but when any objection shall be made to such rate, or if such property shall not be rated, then the value thereof shall be proved to the satisfaction of the persons by this Act authorized to register votes.

As to joint occupation.

5. All joint tenants and tenants in common, who shall have and be beneficially interested in an estate of freehold for their own lives or for the life of another or for any lives whatsoever or in right of marriage or for some greater estate in any lands or tenements in this Island, shall be qualified to vote in the election of any member or members for the Assembly; provided the said lands and tenements shall be worth, or the rent payable for the same shall be at least, as many times five pounds per annum as there are joint tenants or tenants in common of the same.

As to successive occupations.

6. The premises in respect of the occupation of which any person shall be entitled to vote as an occupant or lodger as aforesaid in the election of a member or members for the Assembly, shall not be required to be the same premises, but may be different premises occupied in immediate succession by such person as such occupant or lodger during the six months next previous to his claim to be registered.

If value sufficient each joint occupant a vote.

7. When any premises as aforesaid shall be jointly occupied by more persons than one as tenants under subsection three of section three, each of such occupiers shall be entitled to vote in the election of a member or members to serve in the General Assembly, provided the clear yearly

Representation of the People Act.

value of such premises shall be an amount which, when divided by the number of such occupiers, shall give a sum of not less than fifteen pounds for each and every such occupier but not otherwise.

8. Co-partners in trade or business shall be entitled to vote in an election for members to serve in the General Assembly in respect of such taxes as aforesaid paid by them, provided the whole amount of such annual taxes shall give an amount of at least for the city of Bridgetown two pounds for each; and with regard to the elections of members to serve in the General Assembly for the parishes of this Island in respect of such taxes as aforesaid paid by them, provided the whole amount of such annual taxes shall give an amount of at least one pound for each.

Each co-partner a vote, if taxes sufficient.

9. No mortgagee of any lands or tenements shall have any vote in the election of a member or members to serve in the Assembly for or by reason of any mortgaged estate therein, unless he be in the actual possession or receipt of the rents and profits thereof; but the mortgagor in actual possession or in the receipt of the rents and profits thereof shall and may vote for the same notwithstanding such mortgage; and no trustee of any lands or tenements shall in any case have a right to vote in any such election for or by reason of any trust estate therein, but the cestui que trust in actual possession or in receipt of the rents and profits thereof, though he may receive the same through the hands of the trustee, shall and may vote for the same notwithstanding such trust.

Mortgagee in actual possession a vote.

Mortgagor in possession a vote.

10. Where lands or tenements situate in two or more parishes shall join but shall not be of sufficient value in each parish to qualify the person possessed of the estate or interest therein to vote in each parish, but shall be of sufficient value to qualify him to vote in one parish, such person shall be qualified to vote in the election of any member or members to serve in the Assembly for the parish in which the greater part of the said lands or tenements lie.

If qualifying property in different parishes, vote in parish where greater part lies.

Registration of votes.

11. (1.) The registering officer for the city of Bridgetown shall be the senior Police Magistrate for district "A"; the registering officer for the rural part of the parish of Saint Michael shall be the junior Police Magistrate for district "A"; and the registering officer for each of the

Registering officers.

Representation of the People Act.

remaining parishes shall be the Police Magistrate of the parish.

(2.) In case any parish shall be without a Police Magistrate, or such Police Magistrate shall from any sickness or other cause be unable to register the voters of such parish, it shall and may be lawful for the Governor of this Island, by and with the advice of the Executive Committee, to nominate and appoint some fit and proper person residing in such parish to register the voters of such parish, and make out such lists as aforesaid.

Conditions of
registration.

12. Every person who shall be entitled to be registered as a voter in the election of members to serve in the General Assembly for any parish in this Island, or for the city of Bridgetown, shall deliver to the registering officer a claim according to the form contained in schedule A to this Act annexed, or to the like effect, duly sworn before any Police Magistrate or Justice of the Peace, and shall produce the deed or deeds under which any such claim is made or a certified copy or copies or any extract or extracts thereof, from the Registration Office of this Island, where the claim shall be in respect of any land or tenements or the rents and profits thereof, the deed or deeds whereof are required by this Act to be recorded, or produce such other evidence as may be necessary to establish his claim as such voter; and the registering officer shall inquire into, examine, and investigate the qualification in respect of which such claim is made, and take such evidence as may be necessary to have it proved to his satisfaction that the person making such claim possesses the qualification in respect of which he makes his claim as a voter, and if the registering officer shall be satisfied that the person making such claim possesses the qualification in respect of which such claim is made, he shall register such person in manner hereinafter mentioned; but if the registering officer shall not be satisfied that the person making such claim possesses the qualification in respect of which such claim is made he shall disallow such claim, provided that no person whose name shall be upon the register for the time being of voters, whose claim shall have been already admitted, shall be required thereafter to make any such claim as aforesaid so long as he shall retain the same qualification, and in case of qualifications depending upon residence, so long as he resides in the same parish, or in the city of Bridgetown, as when his claim was admitted. But the registering officer shall during the month of January in every year endeavour to ascertain if any of the persons whose names are on the

Representation of the People Act.

existing registers have ceased to retain the qualifications in respect of which they were registered, or if any of them be dead; and shall in the list to be sent to him by the Registrar write the words "objected to" against the name of any person who in his opinion has ceased to retain the same qualification in respect of which he was registered, and shall write the word "dead" against the name of every person who, to the best of his belief, is dead.

13. The registering officer for the city of Bridgetown and for each of the several parishes shall, at the end of each month in every year, make out or cause to be made out in the form contained in schedule B to this Act alphabetical lists containing the names of all persons whose claims have been admitted and registered during the preceding month, and also alphabetical lists, in the form contained in schedule C to this Act, of all persons whose claims have been disallowed; and the registering officer for such city or parish may correct any mistake which shall be proved to him to have been made in any such lists, and shall sign his name to every page of such lists; and the names of the several persons in each of such lists shall be numbered in consecutive order beginning with the number one, but so that no person registered for more than one qualification shall have an additional number against his name, but every subsequent qualification shall immediately follow the first qualification.

Registering officer to prepare lists.

14. The Parochial Treasurer of every parish in this Island shall, within the month of January in each year, send to the Registration Office correct lists of all persons paying parochial taxes to the amount of one pound and upwards to any such parish, and who shall have paid such taxes for two years previously, and the owners of all houses parochially taxed in respect of the rents of such houses, and the amount of rent at which every such house shall be rated in the parish books for the like period of two years, and in default thereof every Parochial Treasurer shall forfeit and pay to His Majesty, his heirs and successors, a sum not exceeding fifty pounds, to be recovered in a summary manner before a Police Magistrate on the complaint of any person, and to be paid into the Public Treasury for the uses of the Island.

Parochial Treasurers to send lists of taxpayers to Registration Office.

15. The registering officer of each parish and the city of Bridgetown shall at the end of each month send to the Registering officer to send

Representation of the People Act.

lists to Registrar
Office. Registration Office the several claims of voters made before him, and the several lists made by him in accordance with the provisions of this Act, and all other papers relating to the registering of the voters, and shall if required attend the revising court to be held for any parish or the said city, and shall answer upon oath all such questions as the revising officer may put to him touching any matter necessary for revising the said list of voters.

Duties of
Registrar in
respect of voters
registered in
January.

16. (1.) The Registrar shall, on the receipt of the lists of voters whose claims have been registered by the registering officers in the month of January in each year, prepare a list for each parish, and for the city of Bridgetown, which shall include the names of all persons whose claims have been registered for such parish or city in the month of January, and also of all persons whose names shall be upon the registers for the time being for such parish or city, and shall certify such lists and send them to the several registering officers who shall write the words "objected to" or "dead," as the case may be, against the names of any voters who, in the opinion of such registering officers, have lost their qualifications or are dead, and shall return such lists within seven days from the receipt thereof to the Registrar who shall send them, together with any lists of disallowed claims and with the voters' claims and all other papers relating to such claims, to the revising officer not later than the twenty first of February in each year.

In respect of
voters registered
subsequently.

(2.) The Registrar shall, on the receipt of the lists of voters whose claims shall have been registered or disallowed by the registering officer subsequent to the month of January in each year, forward such lists together with the voters' claims, and other papers relating to such claims, to the revising officer.

Appointment of revising officer.

Appointment of
revising officer.

17. (1.) Sometime in the month of January in every year and as often thereafter as may be necessary the Governor shall appoint any barrister or solicitor who shall have been practising for not less than four years in the courts of this Island to be revising officer, and shall notify the appointment in the Official Gazette of this Island.

Disqualifications
for the office.

(2.) No person shall be appointed to act as revising officer who, at the time of such appointment, is the holder, either of a Parochial Office, or of an office the salary of which shall be paid from the Public Treasury.

Representation of the People Act.

(3.) Any person who shall have been appointed as revising officer shall not, for twelve months from the date of his appointment, be eligible to serve in the House of Assembly, or in any Vestry. Disqualified for 12 months for election to Assembly.

(4.) The revising officer shall, on the completion of the revision of the lists which are prepared by the Registrar in February in every year as aforesaid, be paid from the Treasury the sum of seventy five pounds by way of remuneration and in satisfaction of his travelling and other expenses, and for the revision of the lists of voters whose claims are registered or disallowed subsequent to the month of January in each year he shall receive a further sum of twenty five pounds payable from the Treasury in eleven equal instalments the first payment to be made in respect of the month of February in every year. Remuneration.

(5.) The revising officer shall not be subject to the provisions of the Pension Act 1907. Pension Act not applicable.

Revision of voters' lists.

18. The list of voters for the several parishes, and for the city of Bridgetown, whose claims have been registered or disallowed, shall be revised by the revising officer. List of voters to be revised by revising officer.

19. The revising officer shall perform the duties and have the powers following:— Duties and powers of revising officer.

(1.) For the purpose of revising the lists prepared by the Registrar in the month of February as aforesaid, the revising officer shall, immediately after the expiration of the month of February in each year, hold an open court, to be called the Revising Court, at the several offices of the rural Police Magistrates, and at some place within the city of Bridgetown to be approved of by the Governor, having first given seven days' notice of the holding of such Court in the Official Gazette, and the revising officer shall have power to adjourn such Court as often as may be necessary, and shall within four months make his return of the revised lists.

(2.) For the purpose of revising the lists of voters whose claims have been registered or disallowed by the registering officer in the month of February or in any subsequent month of the year, the revising officer shall, as soon as possible after the receipt of such lists, and as often as may be necessary, hold an open court at some place within the city of Bridgetown to be approved of by the Governor, having first given seven days' notice of the holding of such Court in the Official Gazette, and he shall have

Representation of the People Act.

power to adjourn such Court as often as may be necessary, and shall make his return of the revised lists within four weeks from the receipt of the same respectively.

General powers.

(3.) For the purpose of revising the lists of voters made either in February or subsequently, the revising officer shall have and exercise the following general powers, that is to say,—

Objection by registering officer.

(a.) he shall take such steps as he may deem necessary for enquiring into and adjudicating upon the cases of those voters on the lists against whose names the registering officer for any parish, or for the city of Bridgetown, shall have marked the words "objected to," or the word "dead." And if it shall be proved to his satisfaction that the persons against whose names the words "objected to" shall be written had ceased to possess the qualifications in respect of which they had been registered, and that the persons against whose names the word "dead" shall be written were dead, he shall expunge the names of such persons from the lists of voters, and make a note at the end of the said lists that the same were so expunged by him; but if he shall find that the persons against whose names the words "objected to" were written, or any of them, still possess the qualifications in respect of which they were registered, or that the persons, or any of them, against whose names the word "dead" was written, were not dead, he shall in each such case strike out the words "objected to" or the word "dead," as the case may be, and make a note at the end of the said lists that the same was so struck out by him;

Objection by voter.

(b.) every person who shall be upon the register for the time being of voters for any parish of this Island, or for the city of Bridgetown, may object to any person as not having been entitled to have his name inserted in any list of voters for such parish or city; and every person so objecting, except the registering officer objecting in the manner hereinbefore mentioned, shall not later than three days prior to the holding of the Court for the revision of the voters' list give or cause to be given a notice in writing according to the form in schedule D to this Act annexed, or to the like effect, to the revising officer, who shall summon the person objected to and enquire into and adjudicate upon such objection; and the person so objecting shall within the said time give to the person objected to, or leave at his place of abode as described in such list, or that of his constituted attorney, a notice in writing according to the form in schedule E to this Act annexed;

Representation of the People Act.

(c.) he shall have power to enquire into the qualification of any person whose name appears on the voters' list of the city of Bridgetown, or of any parish, and expunge the name of such person from the list, if it is proved on oath to his satisfaction that such person does not possess the qualification in respect of which he was registered; provided always that such person shall have been first duly summoned to appear before the Court to show cause why his name should not be expunged from the list; Objection by revising officer.

(d.) he shall correct any clerical or other manifest mistake which is proved to him to have been made in any list; Correction of mistake in list.

(e.) he may correct any mistake which is proved to him to have been made in any claim or notice of objection; Correction of mistake in claim &c.

(f.) he shall expunge the name of every person whose qualification, as stated in any list, is insufficient in law to entitle such person to be included therein; Qualification insufficient in law.

(g.) he shall expunge the name of every person who is proved to be dead; Voter dead.

(h.) he shall expunge the name of every person whose name, or place of abode, or the nature of whose qualification, or the name or situation of whose qualifying property, if the qualification is in respect of property, or any other particulars, which are by law required to be stated in the list, is or are either wholly omitted, or in the judgment of the revising officer insufficiently described for the purpose of being identified, unless the matter or matters so omitted, or insufficiently described, be supplied to the satisfaction of the revising officer before he shall have completed the revision of the list in which the omission or insufficient description occurs, and in case such matter or matters shall be so supplied, he shall then and there insert the same in such list; Qualification and other particulars insufficiently described.

(i.) he shall expunge the name of every person where it is proved that such person is incapacitated by any law or statute from voting at any election to which the list relates; Legal incapacity.

(j.) where the matter stated in a list or claim, or proved to the revising officer in relation to any alleged right to be on any list, is in the judgment of the revising officer insufficient in law to constitute a qualification of the nature or description stated or claimed, but sufficient in law to constitute a qualification of some other nature or description, the revising officer, if the name is entered on a list for which such true qualification in law is appro- Correction of qualification.

Representation of the People Act.

appropriate, shall correct such entry by inserting such qualification accordingly, and in any other case shall insert the name with such qualification in the appropriate list, and shall expunge it from the other list, if any, in which it is entered ;

Only evidence relating to qualification described in list to be given.

(k.) except as herein provided, no evidence shall be given of any other qualification than that which is described in the list or claim, as the case may be, nor shall the revising officer be at liberty to change the description of the qualification as it appears in the list, except for the purpose of more clearly and accurately defining the same ;

Voter's name to appear only once on the same list.

(l.) where the name of any person appears to be entered more than once on any list of voters, the revising officer shall enquire whether such entries relate to the same person, and on proof being made to him that such entries relate to the same person he shall place each of the qualifications in consecutive order under each other and strike out the name of such person appearing on the list more than once, so that the name of such person shall not appear more than once on the same list.

Summons to person objecting and objected to.

20. The revising officer shall, by summons under his hand, require the attendance of the person objecting and the person objected to, or of any person whom he may think fit to examine or cause to be examined in respect of the matters aforesaid, and may examine, and cause to be examined, upon oath or affirmation, as the case may require, parties and witnesses by word of mouth, and he may by writ require such attendance, and order to be produced before him any deeds, writings, or evidence, and every person disobeying such writ shall be considered as in contempt of the Court, and shall be liable to forfeit a sum not exceeding ten pounds to be paid into the Public Treasury for the uses of the Island, to be recovered before any Police Magistrate on the complaint of the revising officer in a summary manner.

Affidavit in lieu of attendance.

21. Any person whose name appears on the list of voters, who has been summoned to appear before the revising officer's Court on the ground that his qualification to remain on the voters' list has been objected to by the registering officer, or by an elector, or who has been summoned to show cause why the revising officer should not expunge his name from the list, may make before any Police Magistrate or Justice of the Peace of this Island, and send to the revising officer, in due time before the

Representation of the People Act.

return day of the summons, through the post office, free of postage dues, an affidavit in the form or to the effect in schedule P to this Act annexed, and thereupon such person shall be excused from attending the Court.

22. In case the several persons whose names appear on the voters' list, and against whom objections have been made by the registering officer, or by an elector, or who have been summoned by the revising officer to show cause why their names should not be expunged from the list, admit by the affidavit in the last preceding section mentioned that they had ceased to retain their qualifications as aforesaid, the revising officer may revise the list at his office in Bridgetown, and there take evidence of the death of any voter whose name shall be on the list.

Revising officer may revise voters' lists at his office under certain circumstances.

23. The revising officer, when he shall have completed revising the said lists, shall certify the same and forthwith transmit them to the Registration Office of this Island, and such revised lists shall be deemed the registers of the electors to vote in the choice of members to serve in any future Assembly of this Island which shall take place next after the revision of the said lists, and every person whose name shall be in such registers shall have free access thereto, and shall be at liberty to take copies thereof, or extracts therefrom, gratis; and the revising officer shall return to each registering officer all the other papers delivered by the Registrar to the revising officer, and such papers so returned shall be kept by the registering officer in his office for the purpose of any further registration.

Revised lists to be sent to the Registration Office.

Appeal from Revising Court.

24. It shall be lawful for any person who, under the provisions hereinbefore contained, shall have made a claim to have his name inserted in any list, or made any objection to any person as not entitled to have his name inserted in any list, or whose name shall have been expunged from any list, and who in any case shall be aggrieved by, or dissatisfied with, any decision of the Court on any point of law material to the result of such case, either himself, or by some person in his behalf, to give to the Court, within three clear days after such decision shall have been pronounced, a notice in writing that he appeals against such decision, and in such notice shall shortly state the decision against which he appeals; and the Court thereupon shall state in writing the facts which according to its judgment shall have been established by the evidence in the case and which shall be

Appeal from Revising Court to Court of Common Pleas.

Representation of the People Act.

material to the matter in question, and shall also state in writing its decision upon the whole case, and also its decision upon the point of law in question appealed against; and such statement shall be made as nearly as conveniently may be in like manner as is usual in stating any special case for the opinion of the Court of Common Pleas, and the said Court shall read the statement to the appellant and shall then and there sign the same; and the said appellant or some one in his behalf shall at the end of the said statement make a declaration in writing under his hand to the following effect, that is to say, "I appeal from this decision," and the Court shall then endorse upon every such statement the name of the city or parish to which the same shall relate, and also the christian name and surname and place of abode of the appellant and of the respondent, if any, in the matter of the said appeal, and shall sign and date such endorsement; and the Court shall deliver such statement, with such endorsement thereon, to the said appellant to be by him transmitted to the Court of Common Pleas in the manner hereinafter mentioned; and the Court shall also deliver a copy of such statement with the endorsement thereon to the respondent, if any, in such appeal who shall require the same, and the said revising officer shall, if necessary, hold promptly a special Court for the purpose of settling the preliminaries of such appeal or appeals.

Persons making
groundless ob-
jections to pay
costs.

25. If in any case it shall appear to the Revising Court that any person shall under this Act have made any groundless, frivolous, or vexatious objection to the retention of any name in any list of voters, it shall be lawful for the Revising Court, in its discretion, to make such order as it shall think fit for the payment by such person of the costs, or of any part of the costs, of any person or persons in resisting such objection; and in every such case the Revising Court shall make an order in writing, specifying the sum which it shall order to be paid for such costs, and by and to whom and when and where the same sum shall be paid, and shall date and sign the said order and deliver it to the person or persons to whom the said sum shall therein be ordered to be paid, and the production before any Court of the order signed by such revising officer shall be sufficient evidence of the debt; provided always that the said sum so ordered to be paid by way of costs shall not in any case exceed the sum of five pounds, to be recovered as a debt; provided also that such order for the payment of costs as aforesaid may be made in any case notwithstanding any party shall have given notice of his intention to appeal against any decision of the Court in the same

Representation of the People Act.

case; but in case of such appeal the said order for the payment of costs shall be suspended and shall abide the event of such appeal, unless the Court of Common Pleas shall otherwise direct, but no appeal shall be allowed or entertained against or only in respect of any such order for the payment of costs; provided also that whenever any Court shall have made any such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, it shall not be lawful for the Court to hear or admit proof of any other objection or notice of objection made or signed by the same person until the sum of money so ordered to be paid by him for costs be paid to the person entitled to receive the same, or deposited in the hands of the Court for the use of the person so entitled.

26. All appeals, or matters of appeal, from or in respect of any decision of any Revising Court entertained in manner hereinbefore mentioned, shall be prosecuted, heard, and determined by the Chief Justice of this Island. Appeals heard by Chief Justice.

27.—(1.) The appellant shall lodge with the Registrar of the Court of Common Pleas, free of cost, within ten clear days after the decision of the said revising officer the original statement signed by the revising officer; and the Chief Judge shall, if he is satisfied that an appeal lies, fix a day for the hearing of such appeal, notice of which day shall be given in the Official Gazette of this Island, and on that day the appellant and respondent, if any, must appear in person or by counsel, and the decision of the Chief Judge on such appeal shall be final. In the event of the non-appearance of the appellant in person, or by counsel, as above provided, the decision of the revising officer shall stand confirmed, and the Chief Judge shall, in any event, under his hand, have power to refuse costs, or to award such costs, as he, in his discretion, shall think fit. And any costs awarded by the Chief Judge may be recovered in any Petty Debt Court of this Island, and the production of any order for the payment of a specified amount of costs purporting to be signed by the Chief Judge shall be deemed sufficient evidence of the debt in any Court of this Island; provided always that nothing in this section shall restrain or interfere with the powers and privileges of the House of Assembly to deal with and consider the validity of all votes in controverted elections. Petition on appeal.

(2.) If the Chief Justice shall be of opinion that no question of law is involved he shall refuse to entertain the appeal and shall endorse on the case his opinion, and Appeal not entertained where no question of law involved.

Representation of the People Act.

thereupon the decision of the revising officer shall remain in force.

Appeals on questions of law only.

28. No appeal, or notice of appeal, shall be allowed against any decision of the revising officer upon any question of fact only; provided always that if the said Court of Common Pleas shall be of opinion in any case that the statement of the matter of appeal is not sufficient to enable the Court to give judgment in law, it shall be lawful for the Court of Common Pleas to remit the said statement to the Revising Court by whom it shall have been signed, in order that the case may be more fully stated, and it shall be lawful for the appellant or respondent, if any, to file an affidavit in the said Court of Common Pleas in support of his case.

Respondent defined.

29. The word "respondent" in sections twenty four twenty seven and twenty eight of this Act shall mean either the voter whose name shall have been expunged from the list, or the voter who shall have objected to the retention on the list of another voter's name, as the case may be. The registering officer or revising officer shall not be deemed a party to any appeal against a decision of a revising officer.

Lists to be altered by Registrar in accordance with Chief Judge's decision.

30. Whenever by any judgment or order of the Court of Common Pleas any decision or order of any revising officer shall be reversed or altered, so as to require any alteration or correction of the register of voters for any parish, or for the city of Bridgetown, notice of the judgment or order of the Court of Common Pleas shall be forthwith given by the said Court to the Registrar, and the said notice shall be in writing under the hand of the Judge of the said Court, and shall specify exactly every alteration or correction to be made in pursuance of the said judgment or order, in the said register. And the Registrar shall upon the receipt of the said notice alter or correct the said register accordingly, and shall sign his name against every such alteration or correction in the said register.

No vote while appeal is pending.

31. No person who shall have appealed against a decision of the revising officer disallowing the claim of such person to vote shall be allowed to vote at any election of members to serve in the General Assembly to be made while such appeal is pending.

Lists to be given to Sheriffs.

Registrar to furnish lists of

32. The Registrar shall, before the holding of any election for a member or members to serve in the General

Representation of the People Act.

Assembly of this Island, furnish the Sheriff, or Sub-Sheriff of every parish, and of the city of Bridgetown where any such election shall be about to be held, with a certified copy of the last revised lists which shall have been taken of the electors and persons claiming to vote for every such parish or city for which any such election shall be about to be held. voters to Sheriffs at elections.

Issuing of writs, election of members, and return of writs.

33. All writs for the election of members to serve in the General Assembly shall be issued by the Governor-in-Executive Committee in the usual form, and shall be directed to some substantial freeholder or elector in each parish, or substantial freeholder, elector, or citizen of the city of Bridgetown, as Sheriffs; and in each such case the several writs shall be addressed in the alternative to a second substantial freeholder, elector, or citizen, as the case may be, as Sub-Sheriffs, who shall, in case of the inability from any cause of the person first named to perform the duties of Sheriff before or at the nomination of candidates or taking of the poll, have full power to discharge such duties and all others appertaining to the office of Sheriff, and to make a legal return. The persons to whom the writs shall be addressed as Sheriffs and Sub-Sheriffs or either of them are and is hereby empowered and required to execute the same from the publication of the writs to the closing of the poll and return thereof; provided always that no person to whom the writ is directed as Sheriff or Sub-Sheriff shall stand as a candidate to serve in the Assembly for the parish in which he is acting as such Sheriff or Sub-Sheriff. Writs directed to Sheriffs.

34. All the writs for the election of members to serve in the General Assembly shall issue in one day and be returnable in one day; and they shall all be delivered together by the Colonial Secretary for the time being of this Island to the Provost Marshal of this Island within two days after the same shall be issued, who shall forthwith convey the same to the respective Sheriffs and Sub-Sheriffs to whom the same are directed, or to one of them, and who or either of whom within two days from the receipt thereof are and is hereby required to cause notices to be affixed on or near the doors of all the parochial Churches, stating the day on and the place at which the election for every such parish and city of Bridgetown will commence; and if by the wilful neglect or default of the Colonial Secretary, Provost Marshal, or any Sheriff or Sub-Sheriff, or either of them, any of the said writs shall not be published accordingly, every Issue and return of writs.

Representation of the People Act.

person so offending shall forfeit and pay to His Majesty, his heirs and successors, the sum of fifty pounds lawful money of this Island for the uses of the Island, to be recovered by the Colonial Treasurer for the time being by action or actions in the Court of Common Pleas. And the Colonial Treasurer for the time being is hereby directed and required to prosecute for the same under the penalty of fifty pounds lawful money aforesaid to His Majesty, his heirs and successors, to be recovered in a summary manner on the complaint of any elector before either of the Police Magistrates of Bridgetown, one half to be paid to the informer and the other half to the uses of the said Island.

Opening and closing of elections.

35. Upon calling a General Assembly all elections throughout the Island shall begin between the hours of eight and nine o'clock in the morning on the Monday next immediately following the second Sunday after the date of the writs for the election of members to serve in the Assembly, and such elections shall be determined by the Sheriff or Sub-Sheriff upon the view and with the consent of the electors then present, unless a poll be required for the determination thereof: in which case such poll shall be taken by the Sheriff or Sub-Sheriff on the Monday next following, commencing between the hours of eight and nine o'clock in the morning, and the Sheriff or Sub-Sheriff before opening the poll shall take an oath which shall be administered by any Justice of the Peace or candidate present who is hereby empowered and required to administer the same which shall be in the form in the schedule G to this Act annexed; and the Sheriff or Sub-Sheriff shall thereupon in an audible voice declare the poll to be opened and the same shall thereupon be deemed to be opened accordingly, and the polling shall continue until the hour of four o'clock in the afternoon of the same day, and no poll shall be kept open later than four o'clock in the afternoon or commence before eight o'clock in the morning; provided always that with the consent of the candidates present, or, in the absence of any candidate, of the elector who proposed him, it shall be lawful for any Sheriff or Sub-Sheriff to close the poll previous to the expiration of the time fixed above.

Penalty on Sheriff for refusal or neglect.

36. If the Sheriff or Sub-Sheriff appointed to act at any election of members to serve in the Assembly shall wilfully neglect or refuse to perform any of the duties imposed upon him by this Act or shall wilfully neglect to take the oath hereinbefore required, every such person shall forfeit to His Majesty, his heirs and successors, the sum of fifty pounds,

Representation of the People Act.

one half to be paid to the informer and the other half into the Public Treasury for the uses of the Island, to be recovered in a summary manner on the complaint of any person before a Police Magistrate.

37. Within one hour after the beginning of any elec- Proposal of candidates.
 tion on the Monday next immediately following the second Sunday after the date of the writs for the election of members to serve in the General Assembly the name of every candidate shall be proposed by an elector having a right to vote, and every candidate, or the person proposing him, shall thereupon, if required so to do by any two electors having a right to vote, declare on oath the nature and particulars of his qualification, such oath to be administered by the Sheriff or Sub-Sheriff, and when a poll is demanded no person's name shall be set on the poll except such as have been duly proposed on the Monday previous to the day of polling, and whose qualification shall have been duly sworn to as hereinbefore required; provided always that in addition to the oath hereinbefore required it shall be lawful for any elector having a right to vote, or for the Sheriff or Sub-Sheriff, in case any candidate so proposed is not present, to call upon the proposer of any such candidate to declare on oath (to be administered by the Sheriff or Sub-Sheriff) that the proposing of the name of any such candidate has been done with the knowledge, consent, and approval of such candidate. And if the proposer shall within the hour aforesaid refuse or decline to take such oath the name of the candidate so proposed shall be deemed never to have been proposed.

38. Whenever a vacancy shall occur in the representa- By-elections.
 tion of any constituency and a writ shall be issued for the election of a member to fill such vacancy, the election shall be held and taken in every respect in the manner hereinbefore prescribed.

39. If on the day of election any candidate or the Election of one candidate and special return.
 person proposing him shall refuse or decline to swear to the qualification of such candidate, or the proposer of any candidate shall refuse or decline to swear that such candidate has been proposed with his knowledge consent and approval as hereinbefore provided, and there shall be only one candidate left, it shall be lawful for the Sheriff or returning officer to declare only one member elected and to make a special return on the writ setting forth the facts of the case, and thereupon a writ shall issue on the address of the Assembly for the election of a member to fill the vacancy occasioned thereby.

Representation of the People Act.

Place for holding elections.

40. All elections of members to serve in the Assembly shall be held in such convenient place to the electors within each parish and in the city of Bridgetown as the Parochial Treasurer for the time being of each such parish shall provide, which he is hereby required to do, but the election of members for the parish of Saint Michael and the city of Bridgetown shall be held in separate buildings, and in case there shall not be any proper public building or buildings suitable for holding the elections, the said Parochial Treasurer shall be and he is hereby authorized to hire a convenient house or room for the purpose aforesaid, and to charge the cost thereof to the parish, and the said Parochial Treasurer shall at a reasonable time before the holding of an election give notice in writing of the place appointed for that purpose by affixing on or near to the doors of all the churches, chapels, or licensed places of worship within such parish and the city of Bridgetown, and also by publishing such notice in the Official Gazette a reasonable time previously to the holding of any election; and any Parochial Treasurer who shall neglect his duty in any of the particulars aforesaid shall incur a penalty not exceeding fifty pounds to His Majesty, his heirs and successors, to be recovered on the complaint of any elector in a summary manner, and paid into the Public Treasury.

Conduct and arrangement of proceedings at elections.

41. The Parochial Treasurer of every parish in this Island shall provide and constantly keep to be made use of at elections convenient tables with seats suitable thereto for the Sheriff and Sub-Sheriff and their assistant and the candidates at the election of members to serve in the Assembly to sit on, and no other person whosoever shall presume to stand near the poll; but all others shall keep at a convenient distance of ten feet, leaving a sufficient passage for any person to come to the lower end of the said table to vote, which shall be done but by one person at a time, who having voted shall forthwith withdraw; provided nevertheless that every candidate may appoint an elector to sit at the poll on his behalf, and to act with the same privilege as himself, or in the absence of any candidate the elector who shall propose him as a candidate shall have the privilege of acting on his behalf.

Parochial Treasurer's expenses allowed.

42. All expenses incurred by any Parochial Treasurer in carrying into effect the provisions of this Act shall be allowed him in the passing of his accounts before the Vestry of the parish for which he shall be Parochial Treasurer.

Preservation of order.

43. The Inspector General or other person at the head of the police is hereby required to send two police officers at

Representation of the People Act.

least to attend such elections, and keep the peace and obey the orders of the Sheriff or Sub-Sheriff.

44. Upon all elections of members to serve in the Assembly the Sheriff or Sub-Sheriff may appoint a competent person to assist him or them at the poll, who shall be paid a sum not exceeding one pound by the Parochial Treasurer for the parish for which such election is held, or for the city of Bridgetown, but no person shall be appointed as aforesaid who has been employed by any other person in or about the election.

Preparation of poll.

45. In all elections whatever of members to serve in the General Assembly, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as hereinafter provided, that is to say, the Sheriff or Sub-Sheriff shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the questions set forth in the schedule marked H to this Act annexed, or any of them, and no other, specifying in each case the particulars of the qualification as described in the register; and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be subject to a penalty of fifty pounds, to be recovered in a summary manner on the complaint of any elector before any Police Magistrate, one half to be paid to the informer and the other half into the Public Treasury of this Island; and if not paid within fourteen days after the final judgment such offender shall be committed to prison for a period of three months, and the Sheriff or Sub-Sheriff shall (if required on behalf of any candidate at the time aforesaid) administer an oath (or in case of a Quaker or Moravian or other person objecting to take an oath, an affirmation), to any voter in the form as in the schedule marked J to this Act annexed. And no elector shall hereafter, at any such election, be required to take any oath or affirmation except as aforesaid, either in proof of his freehold, age, or other qualification or right to vote; and no person claiming to vote at any such election shall be excluded from voting thereat except by reason of its appearing to the Sheriff or Sub-Sheriff upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was inserted in such register, or except by reason of such person's refusing to answer the said questions or either of them, or to take the said oath, or make the said affirmation.

Enquiries permitted at elections.

Representation of the People Act.

Proceedings on
close of poll.

46. After the poll shall be closed upon any election, and before the person acting as Sheriff or Sub-Sheriff shall depart from the place of election, the two candidates who shall have the majority of votes shall be publicly declared by the Sheriff or Sub-Sheriff to be duly chosen representatives for such parish, or the city of Bridgetown, and the persons so declared to have been chosen as members to serve in the Assembly shall be returned by the Sheriff or Sub-Sheriff as such to the Governor-in-Executive Committee for the time being, on the day appointed by the writ for the return thereof; but it shall not be in the power of such Sheriff or Sub-Sheriff to make any special return thereof, unless it shall so happen that any of the candidates have an equal number of votes; and upon such return the Sheriff or Sub-Sheriff shall take the oath in the form in the schedule marked K to this Act annexed before the Governor-in-Executive Committee—such oath to be administered to him by the clerk of the Executive Committee.

Freedom of
elections.

47. If any person shall presume to violate the freedom of election for members to serve in the Assembly by menaces or threats on account of any elector having voted or refrained from voting, or shall bribe any elector, such person so offending shall upon due proof thereof forfeit and pay the sum of fifty pounds for each offence, to be recovered in a summary manner on the complaint of any elector before any Police Magistrate, one half for the use of the informer and the other half to be paid into the Public Treasury for the use of the Island, and every such person so offending if he be elected a member of the Assembly shall upon the House being satisfied either upon the due proof or otherwise be by them, or the major part of them, expelled the House for the session; provided always that any complaint under this section shall not be brought except within one month after the date of the alleged offence.

Members before
voting or sitting
to declare to
qualification.

48. Every person who shall be elected a member of the Assembly, before voting or sitting therein during any debate, shall deliver in to the clerk of the Executive Committee a statement in writing signed by such member of his qualification in the form in the schedule marked L to this Act annexed, and shall make and sign the declaration in the form in the schedule marked M to this Act annexed before the Governor-in-Executive Committee. And every person who shall be elected a member of the Assembly before voting or sitting therein shall take the oath of allegiance.

Penalty on false
declaration

49. Any person elected a member of the Assembly who shall wilfully and knowingly give in a false statement of his

Representation of the People Act.

qualification, or who shall make a false declaration of such qualification, shall forfeit the sum of fifty pounds to His Majesty, his heirs and successors, one half to the use of the elector who shall sue for the same, and the other half to the use of the public, which forfeiture shall be recoverable in an action of debt with costs, and the person convicted of having made such false statement or declaration shall not be eligible to sit in the then existing or in any future House of Assembly.

50. The election of any person elected a member of Election void, Assembly who shall presume to sit and vote before having when. made the statement and declaration and taken the oaths by this Act required to be made and taken shall be void, and a new writ shall be issued.

51. Each parish and the city of Bridgetown shall as Number of hitherto return two members to serve in the General Assem- members. bly of this Island.

52. Twelve or any greater number of persons elected, Quorum. returned, and sworn as members of the General Assembly of this Island and meeting and joining together as such, shall be deemed and allowed as a quorum of the said General Assembly, sufficiently qualified and empowered to act and proceed as a General Assembly of this Island, to all intents and purposes whatsoever, under the limitations of this Act, and no number under twelve of such members shall be qualified and empowered to act or proceed as a General Assembly of this Island upon any account whatsoever.

53. Upon failure of the publication of any writ or Issue of new Assembly in any parish or parishes, or for the city of writs on failure of any writs. Bridgetown, or of an election being made pursuant to such writ at a general election, the members elected and returned for the other parishes and for the city of Bridgetown may and shall immediately after being sworn, provided there be a quorum, make choice of their Speaker and other officers and settle the rules of their House, appoint the salary of their chaplain, clerks, and marshal, and address the Governor-in-Executive Committee that new writs may issue for such parish or parishes or the city of Bridgetown in which the first writ failed; in case of the failure of more than one writ they shall not go upon any other business whatever till representatives shall be chosen and duly returned by virtue of such new writs. And within six days next after such address being presented to the Governor a new writ

Representation of the People Act.

or writs shall issue for electing members to serve in the Assembly in every such parish or in the city of Bridgetown where any former writ failed of being published in the same manner as writs are before in this Act directed to issue.

Seats of members, in what cases vacated.

54. If any member of the General Assembly shall be called up to the Legislative Council, or shall accept any office which by any Act of this Island a member of the Assembly is disqualified from holding or from serving as a member of the Assembly, or shall accept any office of profit or emolument under the Crown, or shall be absent from the Island without leave for a period of forty days, his election shall be and is hereby declared to be void, and a new writ for the election of another member in the place of such member shall be issued in the manner hereinbefore prescribed within forty days after the Governor shall be addressed for the same by the General Assembly; provided always that the Assembly may grant leave from time to time to any of their members to go off or remain from the Island or otherwise to be absent from the House for any time not exceeding six months, and provided that nothing herein contained shall be construed to prevent any member vacating his seat by accepting any office of profit under the Crown from being re-elected.

Resignation of members.

55. Any person elected a member of the Assembly may, either before or after taking his seat, withdraw from the Assembly by signing and addressing a letter to the Speaker signifying that he is desirous of withdrawing from the House; and if the Speaker is satisfied of the authenticity of the letter purporting to come from such person, he shall upon the reading of the said letter in the Assembly direct that the receipt thereof be noted on the order paper; and at the following meeting the matter shall be called as the first order, when the Speaker shall direct the letter to be recorded upon the minutes, and upon this being done the seat shall be vacant; provided, however, that if a motion be made in the House that such letter of resignation be not entertained such letter of resignation shall not be entertained, and such seat shall not be deemed vacant except a majority of two thirds of the number then present agree that such letter and resignation be entertained and such seat be vacant.

On resignation, address for new writ.

56. Upon the resignation of any member elected to the Assembly as provided for in the last preceding section, an address shall forthwith be passed and forwarded to the

Representation of the People Act.

Governor-in-Executive Committee, asking him to issue a writ for the election of a member in the place of the member so resigning, and the Governor-in-Executive Committee shall within fourteen days after receiving such address issue the writ, and upon the writ being issued the election shall take place as in any case of a seat being or becoming vacant.

57. If any person shall presume to come into the House of Assembly and act as a member thereof, who has not been chosen, returned, and sworn according to the provisions of this Act and the true intent and meaning thereof, every such person shall forfeit and pay the sum of one hundred pounds to His Majesty, his heirs and successors, to be recovered in a summary manner on the complaint of the Clerk of the House before any Police Magistrate, and such sum shall be paid into the Public Treasury for the use of the public.

Penalty on acting as a member without having been elected and sworn.

58. If any person or persons who on any occasion whatsoever may appear before the General Assembly of this Island shall misbehave himself or themselves towards the said Assembly or any of the members thereof, either by uttering any unhandsome language or otherwise, during the sitting of such Assembly, the Speaker of the said Assembly shall have and hereby hath full power and authority to commit all and every such person or persons to Glendairy prison or any other prison or house of correction for the detention of peacebreakers or first-class misdemeanants of this Island, there to remain without bail or mainprize, until he or they shall duly submit himself or themselves to the House, or during the continuance of that Assembly.

Committal by the Speaker.

59. No General Assembly of this Island shall be or continue in force for more than one year at any one time to be computed from their first meeting as an Assembly.

Duration of Assembly.

60. The Parliament in being at any future demise of the Crown shall not be determined or dissolved by such demise but shall continue so long as it would have continued but for such demise, unless it should be sooner prorogued or dissolved by the Crown.

Demise of Crown not *ipso facto* to dissolve Parliament.

61. If any member of the General Assembly shall obstinately refuse to yield due obedience and conform himself to the several rules of the House, it shall be in the power of a majority of members then present to expel such member from the Assembly, and in all cases where any member shall be expelled the House, the Governor shall be forthwith

Expulsion of members.

Representation of the People Act.

addressed by the House to issue a new writ for the election of another member to serve in the room of such member so expelled.

Trial of controversies.

Determination
of controverted
elections vested
in House of
Assembly.

62. It is the right and privilege of the General Assembly of this Island to judge and determine of the truth and legality of the election of any member or members chosen, where there shall be any dispute or controversy of the same; and the truth and legality of all elections of any member or members to serve in the Assembly, when any dispute shall arise touching the same, shall be tried by the representatives of the people of this Island only; and the members of the Assembly shall by plurality of voices decide all such controverted elections.

Petition, when
filed.

63. In all controversies which shall arise on the return of any member or members to serve in the General Assembly, all persons who shall controvert the election of any such member or members shall lodge their petitions for that purpose in writing with the Clerk of Assembly within seven clear days next after the first meeting of the said Assembly after any general election, or within seven clear days after the election of any member or members at any separate or occasional election, and shall attend and prosecute the same within such time or times as the said Assembly shall appoint, and no petition for controverting any election shall be received by the Clerk of the Assembly after the time hereinbefore appointed; and before the hearing of any such petition the Speaker shall take the oath or affirmation mentioned in schedule N to this Act annexed before the Governor of this Island for the time being, who is hereby empowered to administer the same and give a certificate thereof, and afterwards the Speaker shall administer to every member of the Assembly present the like oath or affirmation, and any member who shall refuse to take such oath or affirmation shall be expelled the House; and the Speaker of the Assembly is hereby empowered to issue summonses for witnesses, and to examine on oath or affirmation any witness or witnesses touching or relating to any such controversy; and if any person duly summoned as such witness shall refuse or neglect to attend, and if any person so summoned and attending, or who, though not summoned, shall happen to be present at such controverted election, and being called upon to give testimony therein shall refuse to be sworn or to make affirmation, or when sworn to answer all such questions as shall be demanded of him or

Representation of the People Act.

her by the General Assembly, bearing upon the issue or issues before the House, every such offender shall by the Speaker of the General Assembly be committed to Glendairy prison or any prison or house of correction for the detention of peacebreakers or first-class misdemeanants, there to remain without bail or mainprize during the continuance of that Assembly, or till otherwise discharged by order of the House.

64. Upon the controverting of any election the petitioner or any person defending such election or return shall be at liberty to impeach the correctness of the register of voters in force at the time of such election by proving that in consequence of the decision of the registering officer or revising officer, or the Chief Justice, the name of any person who voted at such election was improperly inserted or retained in such register, or the name of any person who tendered his vote at such election was improperly omitted on the list of admitted votes; and the House of Assembly after determining any petition complaining of an undue election shall alter the poll taken at such election according to the truth of the case; and the return shall be amended or the election declared void, as the case may be, and the register corrected accordingly.

Voters' lists can be impeached on trial.

65. Each party shall upon controverted elections of members of the General Assembly at least ten days before the hearing of such controversy deliver to the Clerk of the Assembly a list of the several freeholders or persons whose votes are intended to be objected to and controverted, and also cause such persons to be duly summoned to attend the House; and the Clerk shall furnish each party with a copy of the list, if applied for, and no objection whatsoever shall be admitted to any person's vote whose name shall not have been given in to the Clerk, or who shall not have been so summoned as aforesaid, and at the time of delivering such list the person controverting shall in such list also insert the objections intended to be made to the qualifications of the respective voters, which and no others he shall be at liberty to establish at the hearing of such controversy; and the Clerk shall furnish such members of the House as shall send for them copies of such lists and objections, and likewise the other candidate in case of an application: and in petitions or cross petitions upon any election the party preferring the same shall specify the objections or disqualifications of or against the other candidate, and they shall not be permitted at the hearing of such controversy to enter upon any matter relative to the disqualification of such

List of voters objected to, when to be delivered.

Representation of the People Act.

candidate not specially stated in such petition or cross petition. And when any petition shall be filed for controverting the seat of a member the Clerk of the General Assembly shall forthwith give notice thereof in writing to the member, and it shall be lawful for such member within seven clear days, exclusive of the day when such notice was received from the Clerk, to file a cross petition if he shall see fit, and everything shall be done by the person filing such cross petition as if it were a petition for controverting an election.

Service of
summons.

66. A summons under this Act shall be deemed good and effectual, though not personally served, if left at the habitation or last known place of abode of the person intended to be summoned.

Fees.

67. The Clerk of the General Assembly shall be entitled to demand and receive such fees as are set out in the form in schedule O to this Act hereunto annexed; and the Marshal of the House shall be entitled to demand and receive such fees as are mentioned in the same schedule.

Miscellaneous.

Disposal of
mace, &c. on
dissolution.

68. Upon the dissolution or expiration of the General Assembly the mace and the records and papers thereunto belonging shall be and remain in the hands and keeping of the last Speaker until an Assembly of representatives be again called, and then be delivered up by the last Speaker into the hands of the then present Speaker.

SCHEDULE A.

I, (*here state name and address*) make oath or affirmation and say that I am entitled to be registered as a voter for the.....of.....and the particulars of my claim herein set forth, are true :

Representation of the People Act.

PARTICULARS OF CLAIM.

Date of claim.	Christian and sur-name at full length.	Age.	Nature of qualification.	Full description & situation of qualification.	Occupation	Residence.

(Signed).....

Claimant.

Taken before me this..... }
 day of.....19 }

.....

Police Magistrate for the.... of.....
 or Justice of the Peace.

Representation of the People Act.

SCHEDULE B.

The list of persons entitled to vote in the election of members for the.....of.....

Number	Date of registration.	Christian and surname of each voter at full length.	Age of voter.	Nature of qualification.	Full description and situation of qualification.	Occupation of voter.	Residence of voter.
1	22 July 1891	Alleyne, George Henry	27	Estate of freehold	House, situated in Swan St., Bridgetown, numbered 19.	Planter	Hastings, Christ Church, Accountant, 32, Broad Street.
2	1 July 1891	Bovell, Michael Jackson	31	Rents and profits issuing out of land	A life estate in two acres of land situated on Cave Hill, S. Michael	Accountant	32, Broad Street.
3	4 July 1891	Chandler, William	34	Occupant	Store situated in High St., Bridgetown	Barrister-at-law	Speightstown.
4	5 July 1891	Gill, Thomas	47	(1) Taxpayer	In respect of a house & land situated at Eagle Hall corner S. Michael called Eagle Hall	Planter	Eagle Hall, Saint Michael.
5	12 July 1891	" Jones, Thomas	52	(2) Yearly income	Derived from occupation as a dentist	"	"
6	13 July 1891	" Phe, Archibald	41	(1) Barrister-at-law	Derived from money secured on real estate by mortgage. Of the Middle Temple, London	"	"
7	15 July 1891	Reeves, Conrad	51	(2) B.A. Oxon Lodger	At No. 15, Roebuck St.	Barrister-at-law Clerk	Greens, S. Michael 15, Roebuck St., Bridgetown.

Representation of the People Act.

SCHEDULE C.

*The list of persons claiming to be entitled to vote in the election of members for the.....of.....
but whose claims have been disallowed.*

Number.	Date of claim.	Christian and surname at full length of voter.	Age of voter.	Nature of qualification.	Full description and situation of qualification.	Occupation of voter.	Residence of voter.	Remarks.
1	2 July 1891	Mason, John Phillips	34	Estate of freehold.	Six acres of land known as Industry Hall, S. Peter	Planter	Bulkeley, St. George.	Sale not recorded.
2	3 July 1891	Knollys, Clement Courtenay	42	(1) Taxpayer... (2) Estate of freehold.	On house and land S. John's called Avondale Dower of wife in 15 acres of land in S. Lucy called Happy Cot	Colonial Secretary.	Worthing, X. Church.	Taxes in arrear. Dower not laid off.

Representation of the People Act.

SCHEDULE D.

Parish of
City of Bridgetown.

To the Revising Court.

I, A.B., (*name at full length*) hereby give you notice that I object to the name of C.D. being retained in the list of voters for the parish of _____ (or for the city of Bridgetown, *as the case may be*), on the ground that (*here state shortly the ground on which the objection is based, as that the property or occupancy is not of sufficient value, or that the party is not or has ceased to be a proprietor tenant, or occupant, or that he has not paid taxes, or that he is personally disqualified as being a minor, or any other ground on which the objection is based.*)

Dated the _____ day of _____ 19 _____
Signed, _____ A.B.
(place of abode.)

SCHEDULE E.

Address.

To A.B.,

I, C.D. (*name at full length*) hereby give you notice that I object to your name being retained on the list of voters for the parish of _____ (or for the city of Bridgetown *as the case may be*), on the ground that (*here state shortly the ground on which the objection is based*), and that you will be required to prove your qualification at the time of the revising of the said list.

Dated this _____ day of _____ 19 _____
Signed _____ C.D.

SCHEDULE F.

I, A.B. of _____ in the city of Bridgetown
(or parish of _____) make oath and say, as follows:

1. I am the person whose name appears on the registered voters' list for the city of Bridgetown (or parish of _____), and whose qualifications are therein stated to be as follows (*state here the qualification*).

2. I admit that I did not on the thirty first day of January last past possess such qualification, and that my name should be expunged from such voters' list.

Sworn to before me on the _____ day of _____ 19 _____

Police Magistrate or
Justice of the Peace.

Representation of the People Act.

SCHEDULE G.

I, A.B., do swear that on taking the poll at the election of representatives for the parish of _____ (or for the city of Bridgetown) I will act candidly, fairly, and impartially without favour or affection, malice or hatred, and according to the best of my judgment. So help me God.

SCHEDULE H.

Questions permitted to be put by the Sheriff or Sub-Sheriff at the poll to voters on the request of any candidate for election :

1. Are you the same person whose name appears as A.B. on the register of voters now in force for the parish of _____ (or for the city of Bridgetown, *as the case may be*).
 2. Have you already voted at this election for the parish of _____ (or for the city of Bridgetown, *as the case may be*).
 3. Have you the same qualification for which your name was originally inserted in the register of voters now in force for the parish of _____ (or for the city of Bridgetown *as the case may be*).
-

SCHEDULE J.

You do swear (*or being a Quaker or other person objecting to take an oath, do affirm*), that you are the same person whose name appears as A.B., in the register of voters now in force for the parish of _____ (or for the city of Bridgetown, *as the case may be*), and that you have not before voted either here or elsewhere at the present election for the parish of _____ (or for the city of Bridgetown, *as the case may be*). So help you God.

SCHEDULE K.

I, A.B., do swear (*or affirm*), that according to my skill and judgment the return by me now made upon the election of members to serve in the Assembly for the parish of _____ (or for the city of Bridgetown, *as the case may be*), is according to the law of election now in force, and without favour or affection, hatred, malice, or ill will, to any person whomsoever. So help me God.

Representation of the People Act.

SCHEDULE L.

BARBADOS.

Qualification of A.B., elected a member of the Assembly of the parish of
(*or the city of Bridgetown*) in this Island.

Thirty acres of land in fee simple (*or fee tail*) situate in the parish of (*or parishes of*), bounding (*state the boundaries*), with a dwelling house thereon, which dwelling house is of the value of three hundred pounds lawful money of this Island.

Dated the day of 19 .
Signed A.B.

or

An estate for life (*or as the case may be*) in (*state the nature of the property and where situate*), of the annual value of one hundred and twenty pounds lawful money of this Island.

Dated the day of 19 .
Signed A.B.

or

An income of two hundred pounds lawful money of this Island derived from my profession (*or trade*) (*or as the case may be*) as (*stating the profession or trade*), or from (*stating from what source such income is derivable*).

Dated the day of 19 .
Signed A.B.

or

An estate in fee simple (*or fee tail*) in lands (*or houses, or any real estate situate in the parish of* *or in the city of Bridgetown*), of the absolute value of one thousand five hundred pounds.

SCHEDULE M.

I, A.B., do solemnly declare that I am truly and bona fide qualified to be elected a member of the General Assembly of this Island according to the true intent and meaning of an Act of this Island entitled "An Act to consolidate the Acts of this Island relating to the Representation of the People," and that the statement delivered in and signed by me is a true and correct statement of such qualification.

SCHEDULE N.

I, A.B., do swear (*or affirm*) that I will faithfully and justly give my opinion, according to the law of elections

Representation of the People Act.

now in force, in the decision of the election now controverted between C.D., and E.F. according to the best of my skill and judgment. So help me God.

SCHEDULE O

Fees allowed the Clerk of the Assembly on any controverted election.

	£	s.	D.
For filing every petition	5	0	
For filing every cross petition	5	0	
For every summons (containing not more than three names) ..	5	0	
For copies of every petition or other paper (by the folio of 72 words, each folio).....	0	6	

Fees allowed the Clerk of the Assembly in matters other than controverted elections.

For each warrant of contempt.....	1	0	0
On the passing of each private bill	3	6	8

Fees allowed the Marshal of the Assembly on any controverted election and otherwise.

For serving summonses, each person.....	5	0	
For executing each warrant of contempt.....	16	8	

SCHEDULE P.

I, A.B. of _____ in the city of Bridgetown
(or parish of _____) make oath and say as follows :

1. I am the person whose name appears on the registered voters' list for the city of Bridgetown (or parish of _____), and whose qualifications are therein stated to be as follows (*state here the qualification*).

2. I admit that I do not possess such qualification and that my name should be expunged from such voters' list.

Sworn to before me on the _____ day
of _____ 19 _____

Police Magistrate or _____
Justice of the peace.

Surplus Revenue Investment Act.

1901—3.

An Act to provide for the Investment of the Surplus Revenue of the Colony.

[2nd August, 1901.]

Preamble.

WHEREAS there is in the hands of the Colonial Treasurer of this Island a surplus of public revenue over public expenditure to the thirty first day of March 1901, of £20,149 3 3½; And whereas it is expedient that £16,000 part of the above-mentioned surplus should be invested: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Surplus Revenue Investment Act, 1901.

Colonial Treasurer to draw £16,000 and with sanction of the Legislature future surpluses, and invest as the Governor-in-Executive Committee shall determine.

2. The Colonial Treasurer is hereby authorised and required to draw the sum of £16,000, part of the said sum of £20,149 3 3½, and with the sanction of the Legislature, the whole or any part of any future surplus of public revenue over public expenditure, and to invest the said sums so drawn, and also all interest to be derived from such investments, in such manner and in such securities as the Governor-in-Executive Committee shall determine. And the said Colonial Treasurer shall with the consent of the Governor-in-Executive Committee have power to vary the investments of the said fund, or to withdraw from investment such sum as may from time to time be required for the uses of the Island.

Detailed statement to be annually furnished Legislature.

3. The Governor-in-Executive Committee shall on or before the thirtieth day of June annually furnish for the information of the Legislature a detailed statement in writing to be prepared by the Auditor General, shewing the position of the fund, the nature of the securities in which it is invested, and the interest derivable from the investments.

1901—4.

An Act to prevent the Burning of fields of Sugar Cane.

[23rd October, 1901.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Cane Fires (Prevention) Act, 1901.

Cane Fires (Prevention) Act.

2. (1.) It shall not be lawful for any person to have fire, or to smoke a pipe, cigar, or cigarette in a field of canes, or in a field covered with trash wholly or in part. Smoking pipes, &c., provisions as to.

(2.) Any person who shall be found guilty of a breach of this section shall be liable to a penalty not exceeding five pounds, to be recovered in a summary manner before a Police Magistrate on the complaint of any person, and to be paid one-half to the complainant, and the other half into the Treasury to the credit of the general revenue. Penalties, recovery and disposal.

3. The Governor-in-Executive Committee may expend a sum not exceeding one hundred pounds in any year in the payment of rewards for information which may lead to the conviction of persons for arson. Rewards.

An Act to amend the Act of the twentieth day of October one thousand eight hundred and seventy four entitled An "Act for incorporating the Barbados Branch of the Independent Order of Odd Fellows, Manchester Unity, Friendly Society."

[21st November, 1901.]

WHEREAS Richard Touissant Blackman, George Challenor, and Edmund Cadwel Redman, all of the parish of Saint Michael and Island of Barbados abovesaid, Esquires, have by their humble petition presented to the Legislature of this Island set forth that the Barbados Branch of the Independent Order of Odd Fellows, Manchester Unity, Friendly Society, incorporated by Act of the twentieth day of October one thousand eight hundred and seventy four, are the owners of certain real estate in this Island, and may at any time hereafter become the owners of other real estate in this Island, and that the said Society are desirous that all real property belonging to them whether already acquired or hereafter to be acquired should be vested in trustees as in this Act appears; and that it had been determined by the members of the said Society that the persons hereinafter in this Act named should be such trustees, and that the petitioners had been directed by the members of the said Society to apply to the Legislature of this Island to amend the said Act of the twentieth day of October one thousand eight hundred and seventy four entitled "An Act for Incorporating the Barbados Branch of

Preamble.
[See 1874-2.]

Manchester Unity Friendly Society (Amendment) Act

the Independent Order of Odd Fellows, Manchester Unity, Friendly Society, and the petitioners have prayed that the Legislature would be pleased to pass such an Act as aforesaid: And Whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Barbados Branch of the Manchester Unity Friendly Society (Amendment) Act, 1901.

Real estate vested in three trustees.

2. All real estate in this Island whether already acquired or hereafter to be acquired by the Barbados Branch of the Independent Order of Odd Fellows, Manchester Unity, Friendly Society, is hereby vested in Richard Touissant Blackman, George Challenor, and Edmund Cadwel Redman, members of the said Society, their heirs and assigns, in trust for the purposes hereinafter mentioned.

Property how disposed of.

3. The said Richard Touissant Blackman, George Challenor, and Edmund Cadwel Redman, or other the trustees for the time being acting in the trusts of this Act, shall upon the request in writing of all the members of the said Society, or of the majority of the said members, dispose of either by way of sale or in exchange for other lands and hereditaments in this Island the said real estate, and any sale may be either by public auction or private contract with power to buy in at any sale by auction or to rescind any contract for sale, and to re-sell without being answerable for any loss occasioned thereby; and the said trustees may execute and do all such acts, conveyances, assurances, and things for effectuating any such sale or exchange as they shall think fit, and may grant defeazances for payment of the purchase money of the land or property sold or any part thereof, and may accept such security for payment of the said purchase money or any unpaid part thereof as to the said trustees shall seem expedient, and the said trustees shall receive all the moneys to arise from the sale of the said land and hereditaments or to be paid for equality of exchange, and shall, with and out of the said moneys, in the first place, pay and retain the costs and expenses attending such sale or exchange, and the residue of the said moneys together with any moneys received by way of rent for any hereditaments and premises belonging to the said Society shall be paid by them into the general funds of the said Society.

Manchester Unity Friendly Society (Amendment) Act

4. Until any land or hereditaments of the said Society shall be sold as aforesaid, it shall be lawful for the trustees upon such request as aforesaid to demise or lease the same or any part thereof at the best rent that can reasonably be obtained for the same, and under and subject to such covenants and conditions as the trustees shall think proper.

Power to lease or rent.

5. The receipt in writing of the trustees for any moneys paid to them in pursuance of this Act, or of the trusts thereof, shall effectually discharge the person or persons paying the same therefrom and from being concerned to see to the application or being answerable for the loss or misapplication thereof.

The receipt of the trustees to be valid discharge.

6. Upon the exercise of any power or authority conferred by this Act on the said Richard Touissant Blackman, George Challenor, and Edmund Cadwel Redman, or other the trustees for the time being acting in the trusts of this Act, it shall not be competent for any purchaser, lessee, mortgagee, or other person or body corporate dealing with them, to call for evidence or to enquire as to whether the persons making any request or giving any direction or consent required by this Act are all the members of the said Society, or are the major part of them, or as to whether the persons professing to be trustees have been duly appointed such, but every request or direction or consent, and every appointment of trustees purporting to be signed by all the members of the said Society or by the major part of them, shall be deemed and taken as sufficient evidence without any further or other proof that the persons signing the same are all the members of the said Society or the major part of those members as may be.

Evidence as to whether persons making request or giving direction or consent are shareholders, or whether persons professing to be trustees were duly appointed, not necessary.

7. If and so often as all of the members of the said Society or the majority of the members present at a meeting convened for the purpose shall by writing under their hands express their desire that all or any of the trustees by this Act appointed or any future trustee or trustees acting in the trusts of this Act, shall be removed from such trusts, or if and so often as any or either of the trustees by this Act appointed, or any future trustee or trustees acting in the trusts of this Act, shall die or go to reside abroad or shall desire to retire from, or refuse, or become incapable to act in the trusts of this Act, or cease to be an enrolled subscribing member or enrolled subscribing members of the said Society, it shall be lawful for the members of the said Society, or the major part of them, by writing under their

Appointment of new trustees.

Manchester Unity Friendly Society (Amendment) Act

hands, to appoint any other member or members of their said Society to be a trustee or trustees in the place of the trustee or trustees removed or so dying or going to reside abroad or desiring to retire or refusing or becoming incapable to act or ceasing to be an enrolled subscribing member or enrolled subscribing members as aforesaid; and upon every such appointment being recorded in the Registration Office of this Island, the trust property shall, without any conveyance or assurance, become vested in the new trustee or trustees jointly with the continuing trustee or trustees (if any) or solely as the case may require; and every such new trustee (as well before as after the said trust premises shall have become vested in him) shall have all the powers and authorities of the trustee in whose place he shall be substituted.

1901—6.

An Act to provide Pensions for Teachers of Public Elementary Schools.

[28th December, 1901.]

BE it enacted by the Governor, Council, and Assembly of this Island. and by the authority of the same, as follows:—

Short title.

1. This Bill may be cited as the Pensions (Public Elementary School Teachers) Act, 1901.

Conditions on which principal teachers of elementary schools are to be pensioned.

2. (1.) Any principal teacher of a Public Elementary School, who satisfies the requirements of subsection (2), will be entitled to receive from the Public Treasury, in equal monthly instalments, an annual pension according to the scale mentioned in subsection (3).

(2.) An applicant for a pension must:

(a.) be a principal teacher in a Public Elementary School when the pension is applied for;

(b.) have been employed continuously as principal teacher in a Public Elementary School for a period of ten years preceding the date of the application for a pension;

(c.) have become incapable from age or infirmity of continuing to teach a school efficiently;

(d.) be sixty years of age if a man, or fifty five if a woman, unless the pension is applied for on the ground of failure of health or infirmity.

Pensions (Public Elementary School Teachers) Act.

(3.) Pensions will be granted according to the following scale : Scale on which pensions are calculated.

(a.) Uncertificated Teachers will be entitled to an annual pension of ten pounds ;

(b.) Teachers holding third class certificates will be entitled to an annual pension of ten pounds with the addition of six shillings and eight pence for each completed year of service as a principal teacher over ten and up to and including twenty five years ;

(c.) Teachers holding second class certificates will be entitled to an annual pension of ten pounds with the addition of thirteen shillings and four pence for each completed year of service as a principal teacher over ten and up to and including twenty five years ;

(d.) Teachers holding first class certificates will be entitled to an annual pension of ten pounds with the addition of one pound for each completed year of service as a principal teacher over ten and up to and including twenty five years ;

(4.) No pension will be granted in excess of twenty five years the limit.

 1902—1.

An Act to amend the law relating to the Exportation of Arms, Ammunition, and Military and Naval Stores.

[17th January, 1902.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Exportation of Arms Act, 1902. Short title.

2. It shall be lawful for the Governor by proclamation to prohibit the exportation of all or any of the following articles, namely: arms, ammunition, military and naval stores, and any article which the Governor shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named, whenever the Governor shall judge such prohibition to be expedient, in order to prevent such arms, ammunition, military or naval stores, being used against His Majesty's subjects or Power to prohibit exportation of arms, &c.

Exportation of Arms Act.

forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with His Majesty's forces.

Removal of prohibition.

3. The foregoing prohibition may be removed by order of the Governor, if and when he shall deem it expedient to do so.

Forfeiture of goods.

4. If any goods so prohibited shall be exported or brought to any quay or place to be shipped for exportation from this Colony, they shall be forfeited and shall be dealt with under the provisions of the Trade Act, 1910. Any ship or boat in which such goods are shipped may be detained by force if necessary until such goods can be unshipped.

Penalty.

5. Any person exporting any goods contrary to the provisions of this Act shall be liable to a penalty not exceeding five hundred pounds, to be recovered in a summary manner before a Police Magistrate on the complaint of any person, and to be paid one-half to the informer and one-half into the Treasury for public uses.

 1902—2.

An Act to facilitate the Investment of Trust and other Funds in the United Kingdom in Barbados Government Securities.

[17th January, 1902.]

Preamble

WHEREAS by an Act of the Imperial Parliament known as the Colonial Stock Act, 1900, the securities in which a trustee may invest under the powers of the Act of Parliament known as the Trustee Act 1893 are declared to include any Colonial Stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, with respect to which there have been observed such conditions (if any) as the Lords Commissioners of the Treasury of the United Kingdom may, by order notified in the *London Gazette*, prescribe: And Whereas the said Lords Commissioners of the Treasury of the United Kingdom have, by an Order dated December 6th 1900, prescribed as two of the said conditions that a Colony shall provide by legislation for the payment out of the revenues of the Colony of any sum which may become payable to stockholders under any judgment, decree, rule or order of a Court in the United Kingdom, and that the Colonial Government should

Trustee Investment Government Securities Act.

place on record a formal expression of their opinion that any colonial legislation which appears to the Imperial Government to alter any of the provisions affecting the stock to the injury of the stockholder, or to involve a departure from the original contract in regard to the stock, would properly be disallowed: And Whereas it is expedient that provision should be made to enable advantage to be taken of the said Acts in respect of investment of trust funds in Barbados Government Securities: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Trustee Investment in Short title Barbados Government Securities Act, 1902.

2. In this Act the expression “Crown Agents” means Definitions. the person or persons for the time being acting as Crown Agents for the Colonies in England, or any one of them.

The expression “Colonial Stock Acts” means the Acts of the Imperial Parliament known as the Colonial Stock Acts 1877 to 1900.

3. This Act shall apply to all securities heretofore or Application of hereafter created or issued on behalf of the Government of Barbados to which for the time being the Colonial Stock Acts apply, and which are for the time being registered in the United Kingdom in accordance with the provisions of those Acts, each and all of which securities are hereinafter referred to as “Barbados Government Securities.”

4. (1) Whenever by the final judgment, decree, rule, or order of any Court of competent jurisdiction in the United Kingdom, any sum of money is adjudged or declared to be payable by the Government of Barbados in respect of any Barbados Government Securities, the Government shall forthwith pay that sum out of the funds in the hands of the Crown Agents belonging to the Government, without further appropriation than this Act.

(2.) For the purposes of this section “final judgment, decree, rule, or order,” means in case of appeal the final judgment, decree, rule, or order of the ultimate Court hearing the appeal.

5. In order to enable every such payment to be duly Certificate by made, a certificate under the hands of the Crown Agents specifying the sum so paid under order of any such Court shall be sufficient authority to the Auditor General or other Crown Agents.

Trustee Investment Government Securities Act.

officer having the auditing of their accounts for passing such sum without further appropriation.

Disallowance of Act altering provisions affecting Government securities.

6. If at any time hereafter an Act is passed which appears to the Imperial Government to alter any of the provisions affecting the Government securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to those securities, that Act will properly be disallowed.

 1902—3.

An Act to consolidate and amend the Acts of this Island relating to Dog Licenses.

[25th February, 1902.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short Title.

Short title. 1. This Act may be cited as the Dog License Act, 1902.

Definition.

Definition. 2. In this Act:—
 “Owner” shall be deemed to be the person occupying the dwelling-house, stable, store, building, or place in or at which any dog is accustomed to stay or be kept, unless such person shall furnish satisfactory evidence to the contrary.

License and penalty.

Cost and how obtained. 3. (1) Every person who on the first day of February in any year shall have been the owner of a dog over the age of six months shall, sometime during the said month of February, pay to the Parochial Treasurer of the parish in which he resides the sum of five shillings, and shall receive from the Parochial Treasurer, who is hereby required to give the same, a license in the form in the schedule to this Act annexed to keep a dog until the thirty first day of January following; and every person who shall become the owner of any dog over the age of six months between the first day of February of any year and the thirty first day of January of the next succeeding year shall within four-

Dog License Act.

teen days after becoming the owner thereof pay to the Parochial Treasurer of the parish in which he resides the tax aforesaid, and shall receive from him the license as aforesaid; and every owner who fails to comply with the provisions of this subsection shall incur a penalty of one pound, to be recovered in a summary manner before a Police Magistrate on the complaint of any person, one-half of such penalty to be paid to the complainant and the other half to be applied to the use of the parish in which defendant resides.

(2.) If the Parochial Treasurer does not know the person in whose name application for a license to keep a dog is made, he may decline to grant such license until he is satisfied that such person is of such age and in such condition as to be responsible and liable for the obligations imposed on persons keeping a dog.

Parochial Treasurer may decline to grant a license to an unknown person.

Procedure for ascertaining the owner.

4. (1.) The head of the family, or the person occupying the dwelling-house, stable, store, building, or place in or at which any dog is accustomed to stay shall, on request of any Parochial Treasurer, police constable, or parish constable state the full name and address of the owner of such dog; and any person as aforesaid who shall refuse to state the name and address of the owner of such dog, or shall give any false name or address of such owner, shall be liable to a penalty of one pound.

Name and address of owner to be stated on request.

Penalty for refusing or giving false name or address.

(2.) The Parochial Treasurer of any parish if he has reason to believe that any person is keeping a dog over the age of six months without a license may prefer a complaint to that effect before a Police Magistrate, who shall summon such person and examine him on oath or affirmation touching the matter in issue, which oath or affirmation such person shall make, and if such person shall on examination make a false statement wilfully, he shall be liable to be prosecuted for perjury.

Examination before a Magistrate of persons suspected of infringing this section.

Parochial Treasurer's remuneration.

5. The Parochial Treasurers of this Island shall, for each license they shall respectively issue, retain for their own use the sum of one shilling out of the fee directed to be paid for the license, and the balance of the tax shall be applied for the uses of the parish, and the Parochial Treasurers shall receive no commission on such balance.

One shilling granted to Parochial Treasurer for each license.

*Dog License Act.**Publication of lists of licensed owners.*

Publication of
list of licenses.

6. The Parochial Treasurers of the several parishes shall, some time during the month of March, and some time during every succeeding month in each year, publish a list of names in alphabetical order, and the addresses, together with the number of the license, of all persons to whom licenses shall have been issued during the preceding month; and such publication shall be made by keeping at each police station and each Parochial Treasurer's office, in such place or places as shall be accessible to any person desiring to inspect the same, and by distributing among such parish constables as the Parochial Treasurers shall see fit printed copies of the above-mentioned list of names, addresses, and licenses issued; and the Parochial Treasurers of the several parishes are hereby authorised to obtain from the public printer, on the order of the Clerk of the House of Assembly, as many copies of such lists as they may require for such publication in their respective parishes, and shall pay for the same at public contract prices out of the parochial funds.

Muzzling order.

7. The Governor-in-Executive Committee may, if he has reason to fear an outbreak of hydrophobia, issue an order to be published in the Official Gazette that every dog which shall be found in any public road, street, alley, or public place, without being properly muzzled, may be seized by any police or parish constable and taken to the nearest police station, there to be destroyed in such manner as the Inspector General of Police may direct, if after three days such dog shall not have been claimed and all expenses incidental to its detention paid by the owner; provided always that any dog apparently suffering from hydrophobia may be forthwith destroyed by such police or parish constable.

Owner of unmuzzled dog found in streets after publication of muzzling order liable to penalty.

8. The owner of every dog which shall be found after the publication of the order mentioned in the last preceding section in any public street, road, alley, or public place without being properly muzzled, shall be liable to a penalty not exceeding one pound, to be recovered in a summary manner before a Police Magistrate on the complaint of any person, and shall be applied one-half to the complainant and one-half to the use of the parish in which the defendant resides.

1902—3.

Dog License Act.

SCHEDULE.

No. 19

of in the parish of.....

having paid me the sum of five shillings, is hereby licensed to keep a dog until the 31st day of January next.

1902—4.

An Act to authorize and regulate the use of Locomotives on Highways.

[10th May, 1902.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Locomotives on Highways Act, 1902. Short title.

2. In this Act

The expression "carriage" includes a waggon, cart, or other vehicle; Definition clause.

The expression "horse" includes a mule or other beast of draught or burden;

The expression "cattle" includes sheep and goats.

The expression "locomotive" means a vehicle propelled by mechanical power which is under five tons in weight unladen, and is not used for the purpose of drawing more than one vehicle (such vehicle with its locomotive not exceeding in weight, unladen, six and a half tons), and is so constructed that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause.

In calculating for the purposes of this Act the weight of a vehicle, unladen, the weight of any water, fuel, or accumulators used for the purpose of propulsion, shall not be included.

3. The enactments contained in any Act of this Island restricting the use of locomotives on highways shall not apply to any vehicles propelled by mechanical power if Restrictions against use of locomotives on highways not to

Locomotives on Highways Act.

apply to locomotives as above defined.

comes within the definition hereinbefore given of locomotive.

Provided that

Use of bridges may be restricted in case such use is attended with damage or danger.

(a). The Highways Commissioners of any parish or the city of Bridgetown shall have power to make by-laws preventing or restricting the use of such locomotive upon any bridge within their area, where such Commissioners are satisfied that such use would be attended with damage to the bridge or danger to the public.

Locomotive deemed to be a carriage.

(b). A locomotive shall be deemed to be a vehicle within the meaning of any Act of this Island and of any rule, regulation, or by-law made under any Act, and if used as a vehicle of any particular class shall be deemed to be a vehicle of that class and the law relating to vehicles of that class shall apply accordingly.

Conditions under which highways may be used.

4. No person shall cause or permit a locomotive to be used on any highway or shall drive or have charge of a locomotive when so used unless the conditions hereinafter set forth shall be satisfied, namely :—

To work both ways if exceeding 5 cwt.

(1.) The locomotive if it exceeds in weight, unladen, five hundred weight, shall be capable of being so worked that it may travel either forwards or backwards.

Not to exceed 7 ft. in width.

(2.) The locomotive shall not exceed seven feet in width, such width to be measured between its extreme projecting points.

Tyres to be smooth.

(3.) The tyre of each wheel of the locomotive shall be smooth, and shall, where the same touches the ground, be flat and of the width following, namely :—

Width of tyres.

(a.) If the weight of the locomotive unladen exceeds fifteen hundredweight but does not exceed one ton, not less than two and a half inches.

(b.) If such weight exceeds one ton but does not exceed two tons, not less than three inches.

(c.) If such weight exceeds two tons, but does not exceed three tons, not less than four inches.

(d.) If such weight exceeds three tons, not less than five inches.

Proviso where pneumatic or elastic tyre is used, it may be round or curved.

Provided that where a pneumatic tyre or other tyre of a soft and elastic material is used the tyre may be round or curved; and there may be on the same projection or bosses rising above the surface of the tyre if such projection or bosses are of the same material as that of the tyre itself or of some other soft or elastic material. The width of the

Locomotives on Highways Act.

tyre shall for the purpose of this proviso mean the extreme width of the soft and elastic material on the rim of the wheel when not subject to pressure.

(4.) The locomotive shall have two independent brakes in good working order, and of such efficiency that the application of either to such locomotive shall cause two of its wheels on the same axle to be so held that the wheels shall be effectually prevented from revolving or shall have the same effect in stopping the locomotive as if such wheels were so held; provided that in case of a bicycle this regulation shall apply as if instead of two wheels on the same axle one wheel was therein referred to.

To have two independent brakes.

(5.) The locomotive shall be so constructed as to admit of its being at all times under such control as not to cause undue interference with passenger or other traffic on any highway.

To be under control so as not to unduly interfere with passengers or traffic.

(6.) In the case of a locomotive drawing or constructed to draw another vehicle or constructed or used for the carriage of goods, the name of the owner and the place of his abode or business, and in every such case and in the case of every locomotive weighing, unladen, one ton and a half or upwards, the weight of the locomotive, unladen, shall be painted in one or more straight lines upon some conspicuous part of the right or off side of the locomotive in large legible letters, in white upon black or black upon white, not less than one inch in height.

Name of owner, place of his abode or business to be painted on locomotive used for drawing another vehicle or carrying goods.

(7.) The locomotive and all the fittings thereof shall be in such a condition as not to cause or to be likely to cause danger to any person on the locomotive or on any highway.

Not to be a danger to any person on locomotive or on highway.

(8.) There shall be in charge of the locomotive when used on any highway a person competent to control and direct its use and movement.

Competent person in charge.

(9.) Between the hours of 7 p.m. and 5 a.m. of the next day in the months of February to September inclusive, and between the hours of 6 p.m. and 5 a.m. of the next day in the months of October to January inclusive, the person in charge of a locomotive shall carry attached thereto two lamps, one on either side of the locomotive, placed in such a position as to be free from all obstruction to the light, and so constructed and placed as to exhibit during the period aforesaid a white light visible within a reasonable distance in the direction towards which the locomotive is proceeding or is intended to proceed. Provided always that in the case of a cycle only one such lamp shall be attached thereto.

Lighted lamps to be carried one on either side between 7 p.m. and 5 a.m. in February to September (inclusive) and between 6 p.m. and 5 a.m. in October to January (inclusive).

Locomotives on Highways Act.

Bell, etc., to be carried.

(10) Every locomotive shall carry a bell or other instrument capable of giving audible and sufficient warning of the approach or position of the carriage.

Weight not to exceed 12 tons.

5. The total weight of any locomotive and its load shall not exceed 12 tons.

Conditions on which a locomotive for drawing a vehicle may be used on public highways.

6. No person shall cause or permit a locomotive to be used on any highway for the purpose of drawing any vehicle, or shall drive or have charge of a locomotive when used for such purpose, unless the conditions hereinafter set forth shall be satisfied, namely :—

Subsections 2, 3, 5 and 7 of section 4 shall apply to the vehicle drawn by locomotive.

(1) Regulations (2), (3), (5) and (7) of section four of this Act shall apply as if the vehicle drawn by the locomotive was therein referred to instead of the locomotive itself, and regulation (6) of the same section shall apply as if such vehicle was a locomotive constructed for the carriage of goods.

Vehicle drawn to have a brake.

(2) The vehicle drawn by the locomotive, except where the locomotive travels at a rate not exceeding four miles an hour, shall have a brake of good working order of such efficiency that its application to the vehicle shall cause two of the wheels of the vehicle on the same axle to be so held that the wheels shall be effectually prevented from revolving, or shall have the same effect in stopping the vehicle as if such wheels were so held.

(3) The vehicle drawn by the locomotive shall, when under the last preceding regulation a brake is required to be attached thereto, carry upon the vehicle a person competent to apply efficiently the brake.

Provided that it shall not be necessary to comply with this regulation if the brakes upon the locomotive by which the vehicle is drawn are so constructed and arranged that neither of such brakes can be used without bringing into action simultaneously the brake attached to the vehicle drawn, or if the brake of the vehicle drawn can be applied from the locomotive independently of the brakes of the latter.

Locomotive not to be driven at greater speed than is reasonable and proper or to endanger life.

7. Every person driving or in charge of a locomotive when used on any highway shall comply with the regulations hereinafter set forth, namely :—

(1) He shall not drive the locomotive at any speed greater than is reasonable and proper, having regard to the traffic on the highway, or so as to endanger the life or limb of any person, or to the common danger of passengers.

Locomotives on Highways Act.

(2.) He shall not under any circumstances drive the locomotive at a greater speed than twenty miles an hour outside the city of Bridgetown, and within the city of Bridgetown at a greater speed than eight miles an hour. If the weight unladen of the locomotive is one ton and a half and does not exceed three tons, he shall not drive the same at a greater speed than twelve miles an hour, or if such weight exceeds three tons, at a greater speed than eight miles an hour. Provided that whatever may be the weight of the locomotive if it is used on any highway to draw any vehicle, he shall not under any circumstances drive it at a greater speed than five miles an hour.

Nor at a greater speed than 20 miles an hour.

(3.) He shall not cause the locomotive to travel backwards for a greater distance or time than may be requisite for purposes of safety.

Nor to be driven backwards when inconsistent with safety.

(4.) He shall not negligently or wilfully cause any hurt or damage to any person, carriage, horse or cattle, or to any goods conveyed in any carriage on any highway; nor, when on the locomotive, be in such a position that he cannot have control over the same; or quit the locomotive without having taken due precautions against it being started in his absence; or allow the locomotive or a vehicle drawn thereby to stand on such highway so as to cause any unnecessary obstruction thereof.

Nor cause hurt or damage to any person being conveyed.

Nor be beyond control.

(5.) He shall when meeting any carriage, horse, or cattle keep the locomotive on the left or near side of the road, and when passing any carriage, horse, or cattle proceeding in the same direction keep the locomotive on the right or off side of the same.

To be kept on the left or near side when meeting traffic.

(6.) He shall not negligently or wilfully prevent, hinder, or interrupt the free passage of any person, carriage, horse, or cattle on any highway, and shall keep the locomotive and any vehicle drawn thereby on the left or near side of the road for the purpose of allowing such passage.

Not to obstruct free passage of any person &c.

(7.) He shall whenever necessary, by sounding the bell or other instrument required by regulation (10) of section four of this Act, give audible and sufficient warning of the approach or position of the locomotive.

Warning to be given by bell, &c.

(8.) He shall on the request of any police constable, or of any person having charge of a restive horse, or on any such constable or person putting up his hand as a signal for that purpose, cause the locomotive to stop and to remain stationary so long as may be reasonably necessary.

Shall be stopped on signal of police constable or person having charge of restive horse.

8. If the locomotive is one to which regulation (6) of section four applies and the particulars required by

Driver of locomotive to give his

Locomotives on Highways Act.

name and address and name of owner, when reasonably requested. that regulation are not duly painted thereon, or if the locomotive is one to which that regulation does not apply, the person driving or in charge thereof shall, on the request of any constable or on the reasonable request of any other person, truly state his name and place of abode and the name of the owner and the place of his abode or business.

Conditions for keeping inflammable liquid for locomotives. **9.** The landing, keeping, and use of petroleum or of any other inflammable liquid or fuel for the purpose of locomotives shall be subject to regulations made by the Governor-in-Executive Committee and approved by the two Houses of the Legislature and published in the Official Gazette and one of the daily papers of this Island, and regulations so made shall have effect notwithstanding any Act of this Island.

Taxes on locomotives. **10.** Every person who on the first day of June in any year shall have become the owner of a locomotive shall some time during the said month of June pay to the Parochial Treasurer of the parish the following tax, namely:—

- (1) If the weight of the locomotive unladen is under one ton £1 1 0
- (2) If the weight of the locomotive unladen exceeds one ton but does not exceed two tons 2 2 0
- (3) If the weight of the locomotive unladen exceeds two tons 3 3 0

Breach of any of the provisions of this Act to be punished by fine of £10 recovered in a summary manner. **11.** A breach of any of the provisions of this Act or of any by-law or regulation made thereunder, shall on the complaint of any person be punished by a fine not exceeding ten pounds to be recovered in a summary manner. And all penalties shall be paid, one half to the complainant, and one half to the Parochial Treasurer of the parish in which the breach was committed for the use of the highways of that parish.

An Act to provide for a voluntary system of Vaccination in this Colony.

[10th May, 1902.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

hort title. **1.** This Act may be cited as the Vaccination Act, 1902.

1902—5.

Vaccination Act.

2. The local Board of Guardians of each parish shall, as often as they may think fit, declare what class of persons shall be vaccinated as paupers free of charge by the Parochial Medical Officer of the parish, and shall also determine the stations, days, and hours, at which the Parochial Medical Officer shall attend for the purpose of vaccinating such persons.

Class of persons to be vaccinated free of cost.

3. The Parochial Medical Officer of each parish shall attend at the stations on the appointed days and hours, and shall vaccinate free of charge any person belonging to the pauper class aforesaid who, or whose parent or guardian, shall apply.

Parochial Medical Officer to attend at appointed station on fixed days.

4. The Governor-in-Executive Committee shall supply the local Boards of Guardians of the several parishes with such calf lymph as may be required by the Parochial Medical Officer; and the cost of such lymph shall be paid from the Public Treasury on the warrant of the Governor-in-Executive Committee.

Calf lymph to be supplied by Governor-in-Executive Committee.

1902—6.

An Act to provide for the punishment of persons aiding Prisoners of War to escape, and disobeying certain military regulations relating to such Prisoners.

[10th May, 1902.]

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Prisoners of War Act, 1902. Short title.

2. The expression "prisoner of war" as used in this Act shall include any convicted prisoner sent to this Island from any other part of His Majesty's Dominions while such convicted prisoner is in this Island in the custody of His Majesty's land or sea forces, whether such prisoner be in actual custody or escaping or endeavouring to escape from custody. Definition of prisoner of war

3. Every person who shall after the passing of this Act knowingly and wilfully aid or assist any prisoner of war who shall be confined in this Island in any prison or other place of confinement to escape from such prison or other Penalty for aiding escape of prisoner of war.

Prisoners of War Act.

place of confinement, or from this Island, shall, upon being convicted thereof, be guilty of felony, and be liable to imprisonment, with or without hard labour, for any term not exceeding five years.

Or assisting him to quit the Island.

4 Every person who shall knowingly and wilfully aid or assist any such prisoner in quitting or attempting to quit this Island, although he shall not aid or assist such prisoner in quitting or attempting to quit the coast of any part of this Island, shall be deemed guilty of aiding the escape of such prisoner under the provisions of the third section of this Act, and shall be punishable accordingly.

Or shall conceal an escaped prisoner of war.

5. Every person who shall knowingly and wilfully harbour, conceal, secrete, or succour any such prisoner who has escaped from any prison or other place of confinement in this Island in which he has been confined as a prisoner of war, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to a fine not exceeding three hundred pounds, or to be imprisoned with or without hard labour for any term not exceeding three years.

Penalty for obstructing a search for a prisoner of war.

6. If any prisoner of war who shall be confined in this Island in any prison or other place of confinement shall escape therefrom, it shall be lawful for any person or persons authorised for that purpose by the officer commanding His Majesty's troops in this Island to go on board any ship, hulk, lighter or boat in this Island and to search for any such escaped prisoner, and if the master or other person in charge of any such ship, hulk, lighter or boat, or any person, shall hinder or obstruct the person or persons authorised as aforesaid in any such search, the person so hindering or obstructing shall be liable to be arrested and taken before a Police Magistrate and shall be liable on summary conviction to a fine not exceeding twenty five pounds, and on conviction on indictment to a fine not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for any term not exceeding one year.

Persons going within martial law zone.

7. (1.) Any person other than a prisoner of war or one of His Majesty's forces who shall be within the martial law zone without a pass, or shall communicate in any way with prisoners of war except through Camp Commandants or the Assistant Adjutant General for prisoners of war, or shall not shew a pass when demanded, shall be liable to a penalty not exceeding twenty five pounds to be recovered in a summary manner before a Police Magistrate on the complaint of any person and paid into the Public Treasury

Prisoners of War Act.

to the credit of the general revenue, and may be arrested and detained in custody until he can be placed before a Police Magistrate.

(2) The provisions of the preceding subsection shall not be deemed to interfere with, limit, or affect any provision of the military law relating thereto, or any punishment to which such person may be liable thereunder; provided always that such person may not be punished both under the military and civil law.

An Act to consolidate the Acts providing for the establishment, regulation, and maintenance of a Reformatory and Industrial School for Girls.

[12th July, 1902.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :

1. This Act may be cited as the Reformatory and Industrial School (Girls) Act, 1902. Short title.

2. In this Act unless the context otherwise requires, the term "school" shall mean the Reformatory and Industrial School established under the provisions of this Act; and the term "Magistrate" shall mean the Police Magistrate having jurisdiction in the place where the matter requiring the cognizance of a Magistrate arises. Meaning of terms used.

3. It shall be lawful for the Governor-in-Executive Committee to use any Government lands or buildings for the purpose of a Reformatory and Industrial School for Girls, and any lands and buildings so used shall be subject to the provisions of this Act and shall be included in the term "school" as defined above. Government lands &c. may be used for the school.

4. (1.) The officers and servants of the school shall be a Superintendent and such other officers and servants as shall appear to the Governor-in-Executive Committee to be necessary, at such salaries as the Legislature may determine. Officers and salaries.

(2.) The salaries shall be payable out of the Public Treasury in equal monthly instalments on the warrant of the Governor-in-Executive Committee.

Reformatory and Industrial School (Girls) Act.

(3) The said officers and servants of the school shall be appointed by the Governor.

Inspector of Prisons official visitor.

5. The Inspector of Prisons shall be the official visitor of the school, and shall visit at least once in every three months.

Officer conveying any girl has power, &c., of constable.

6. Every officer of the school who is in charge of any girl sent to the school under this Act shall for the purpose of conveying her to or from the school or of bringing her back to the school in case of her escape or refusal to return, or while engaged in such duty, have all such power, authorities, protection and privileges for the purpose of executing his or her duty as an officer of the school as any duly appointed constable has by common law, Act of the Island, or custom within the parish for which he is appointed.

Sections of Reformatory and Industrial School Act, 1890, are incorporated herein.

7. Sections fifteen to twenty two (both included), sections twenty three to thirty eight (both included), and sections forty one to fifty seven (both included), of the Reformatory and Industrial School Act, 1890, shall form part of this Act; these sections being read as applicable to girls and not to boys.

Neglecting or refusing to conform to the rules of the school.

8. If any girl detained in the school wilfully neglects or wilfully refuses to conform to the rules thereof, she shall be subject to such punishment as the Governor-in-Executive Committee may by rule determine; provided that the punishment of whipping shall not be inflicted on any girl for any offence under this section.

Power to apprehend girls escaping from school.

9. If any girl sentenced to be detained in the school escapes therefrom, she may at any time before the expiration of her period of detention be apprehended without warrant, and returned to the school, and shall be subject to such punishment as the Governor-in-Executive Committee shall by rule determine; provided that the punishment of whipping shall not be inflicted on any girl for any offence under this section.

Whipping prohibited.

10. No rules and regulations made by the Governor-in-Executive Committee under section fifteen of the Reformatory and Industrial School Act, 1890, which is incorporated in this Act by section seven of this Act, for maintaining proper discipline in and for the proper conduct and management of the school, shall direct that the punishment of whipping be inflicted on any girl.

Master in Chancery Act.

1902—8.

An Act to attach a Salary to the Office of Master in Chancery.

[12th July 1902.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Master in Chancery Act, 1902. Short title.

2. (1.) The present Master in Chancery shall, in lieu of fees at present received by him for his own use, be paid the annual salary of seven hundred and fifty pounds out of the Public Treasury on the warrant of the Governor-in-Executive Committee by equal monthly instalments. Master in Chancery to be paid an annual salary of £750.

(2.) The present clerk to the Master in Chancery shall be paid the annual salary of sixty pounds out of the Public Treasury on the warrant of the Governor-in-Executive Committee by equal monthly instalments. Present clerk to be paid £60 per annum.

(3.) On the present clerk ceasing to be clerk, a clerk shall be appointed in his place by the Governor and shall be paid the annual salary of sixty pounds out of the Public Treasury on the warrant of the Governor-in-Executive Committee by equal monthly instalments. Future clerks to be appointed by the Governor at £60 per annum.

(4.) The cost of all books and stationery required by, and all incidental expenses of, the Master in Chancery's Office shall be borne by the Public Treasury. Cost of books, stationery, &c., to be paid from Treasury.

3 All fees hitherto payable for his own use to the present Master in Chancery shall, after the commencement of this Act, be payable to the Master in Chancery, and shall be paid by him into the Public Treasury to the credit of general revenue at the end of each month. A full accurate and detailed account of all such fees received shall be kept by the Master in Chancery, and the said account and all books of the Master in Chancery's Office relating thereto shall be examined and audited quarterly by the Auditor General. Fees to be paid into the Public Treasury. Detailed accounts of such fees to be kept by Master in Chancery and all books, &c., to be audited by Auditor General.

4. On retiring from the service of the Crown after the commencement of this Act, the amount of the pension receivable by the present Master in Chancery in respect of the office of Master in Chancery shall not be less than the amount of the pension receivable by him in respect of the said office were he to retire from the service of the Crown on the day prior to the commencement of this Act. Pension to be not less than that which he would receive if he retired on the day prior to commencement of this Act.

Master in Chancery Act.

No future appointment to be made until an Act has been passed dealing with office.

5. When the office of Master in Chancery next becomes vacant, no permanent appointment to the office shall be made till an Act has been passed dealing with the office of Master in Chancery.

1902—9.

An Act to foster and encourage the manufacture of Butter Oleomargarine and Butterine in this Island.

[28th August, 1902.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

Short title. 1. This Act may be cited as the O.K. Manufacturing Company Limited (Exemption from Duty) Act 1902.

Packages and machinery, free of duty. 2. From and after the passing of this Act all packages required for the packing of butter, oleomargarine, and butterine, whether set up or otherwise, (provided the same have the name and trade mark, if any, of the company indelibly marked or impressed on them) and all machinery required in the manufacture of such butter, oleomargarine, and butterine and imported into this Island for the use of the O.K. Manufacturing Company Limited, shall be admitted duty free.

Drawback of the duty paid on the constituent elements. 3. (1) All butter, oleomargarine, butterine, and cocoa manufactured in this Island by the O.K. Manufacturing Company Limited and exported by the said company shall be allowed on such of the constituents as may have been imported, and on which duty may have been paid on importation, a drawback of such amount as may have been paid by way of duty on such constituents respectively on production of a certificate from the secretary of the said company of the quantity so exported by them.

Certificate of the quantities of the constituents of the butter, &c., to be exported. (2.) On the exportation of any such butter, oleomargarine, butterine or cocoa the exporter shall furnish the Comptroller of Customs with a certificate from the said company that the butter, oleomargarine, butterine, or cocoa about to be exported was manufactured in this Island by the O.K. Manufacturing Company Limited, and the said certificate shall set forth the quantities of the constituents of every hundred pounds of such butter, oleomargarine, butterine, or cocoa, distinguishing imported constituents from those of local produce. Should the article exported not

O. K. M'fg. Co., Ltd. (Exemption from Duty) Act.

contain the quantities of the constituents mentioned in the certificate, the exporter shall be liable to a penalty not exceeding one hundred pounds to be recovered in a summary manner before a Police Magistrate on the complaint of the Comptroller of Customs, and, in default of payment of the penalty, to imprisonment not exceeding six months. The drawback shall in other respects be granted in accordance with the provisions of the Trade Act, 1910.

4. The secretary of the said company shall as often as may be required furnish to the Comptroller of Customs an affidavit setting forth the quantities of the constituents of every hundred pounds of each class of butter, oleomargarine, butterine, or cocoa manufactured by the said Company, distinguishing imported constituents from those of local produce. Should any false statement be made in such affidavit, the company shall be liable to a penalty not exceeding two hundred pounds to be recovered in a summary manner before a Police Magistrate on the complaint of the Comptroller of Customs.

Affidavit of the quantities of the constituents of 100lbs. of butter, &c.

5. (1) The Comptroller or any officer of Customs shall have free access to the works of the Company and may take samples of butter, oleomargarine, butterine, or cocoa for analysis, and shall also have power to take samples for analysis from any butter, oleomargarine, butterine, or cocoa about to be exported and on which drawback is claimed.

Right of officer of Customs to enter works and take samples of butter, &c.

(2) The Comptroller or any officer of Customs shall, on taking the samples, notify to the person present when the samples are being taken his intention to have the same analysed, and shall offer to divide the sample into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the person present. He shall afterwards retain one of the said parts for future comparison, and submit the third part, if he deems it right to have the article analysed, to the Island Professor of Chemistry.

Mode of dealing with samples taken.

(3) If the person present do not accept the offer of the Comptroller to divide the article in his presence, the Island Professor of Chemistry receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts, and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate to the Comptroller, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Mode of dealing with samples when not divided.

O. K. M'fg. Co., Ltd. (Exemption from Duty) Act.

Certificate of
analysis of
Professor of
Chemistry, free
of cost.

(4) The Island Professor of Chemistry shall analyse any samples forwarded by the Comptroller and give certificates of analysis free of cost.

1903—1

An Act to vest a certain place called "The Saint Michael's Masonic Lodge" lands and hereditaments in the parish of Saint Michael in a certain road called "The Pine Cross Road" and being part of a village or district called "Belleville," the said place, lands, and hereditaments belonging to the members of the Saint Michael's Lodge (No. 2253 E.R.) of Freemasons, in certain trustees for the use and benefit of the members of the said Masonic body.

(23rd. January, 1903.)

Preamble.

WHEREAS John Locke, Esquire, Arthur Barker Reginald Kaye, the Master of the Saint Michael's Lodge of Freemasons, No. 2253, (E.R.), Ernest Francis Sinderby Bowen, the Senior Warden of the said Lodge, Thomas William Wilkinson, the Secretary of the said Lodge, and Valdemar Hanschell, the Treasurer of the said Lodge, have by their humble petition presented to the Legislature of this Island set forth the following facts namely :—

(1.) That by two indentures dated respectively the nineteenth day of August one thousand eight hundred and ninety one and the sixteenth day of June one thousand eight hundred and ninety three, two pieces or parcels of land contiguous to each other, and forming one spot of land, containing altogether fourteen thousand and fifty five square feet of land, part of the said village or district called "Belleville" in the parish of Saint Michael in this Island, butting and bounding on lands of Thomas Goodridge, on lands of a place called "Erdiston," on lands of Samuel Manning, and on a certain road or place there called "The Pine Cross Road," were granted and conveyed by Samuel Manning, Esquire, to John Locke, Esquire, in fee simple.

(2.) That notwithstanding the fact that the said John Locke is in the said indentures described as the grantee of the said land and hereditaments, the same were purchased by him for the use and on account of the members of the said Saint Michael's Lodge, and vested in him for the sake of convenience.

Saint Michael's Lodge (Masonic) Trustees Act.

(3.) That upon the said piece of land the members of the said Saint Michael's Lodge had erected a building known as "The Saint Michael's Lodge," for their own use and benefit and for the purposes of their order.

(4.) That the said John Locke was desirous of being relieved of the responsibility of having the said hereditaments vested in him.

(5.) That by a resolution passed in Lodge at a regular meeting it was determined by the members of the said Saint Michael's Lodge then present that the said premises should be vested in the Master, Senior Warden, Junior Warden, Secretary, and Treasurer, for the time being of the said Saint Michael's Lodge as trustees for the use and benefit of the said Lodge and for the purposes of their order.

(6.) That the said Lodge was not a body corporate having perpetual succession, and that the said offices mentioned above were not offices recognised by law, and the persons holding those offices respectively were not, as such, empowered by law to hold real estate.

(7.) That the only way of effectuating the wish of the members of the said Lodge was to apply to the Legislature to pass an Act vesting the said place "The Saint Michael's Lodge" hereditaments and premises in trustees as hereinafter appears: And the petitioners prayed that the Legislature would be pleased to pass such an Act as aforesaid: And whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the Saint Short title. Michael's Lodge (Masonic) Trustees Act, 1902.

2. All that certain place, piece or parcel of land and hereditaments known as "The Saint Michael's Lodge" situate in the parish of Saint Michael in this Island (being part of a village or district there called "Belleville") in a certain road called "The Pine Cross Road" in the said indentures of the nineteenth day of August one thousand eight hundred and ninety one and the sixteenth day of June one thousand eight hundred and ninety three particularly mentioned and described, with the messuage and other buildings thereon and the hereditaments and appurtenances thereto belonging, are hereby vested in Arthur Barker Reginald Kaye, Master; Ernest Francis Sinderby Bowen, Senior Warden; William Bowring, Junior Warden; Thomas

The Saint Michael's Lodge vested in the Master, Senior Warden, Junior Warden, Secretary and Treasurer of the said Lodge as Trustees.

Saint Michael's Lodge (Masonic) Trustees Act.

William Wilkinson, Secretary; and Valdemar Hanschell, Treasurer of the said Saint Michael's Lodge, for so long as they shall hold the said respective offices; and in all and every future respective Master, Senior Warden, Junior Warden, Secretary, and Treasurer of the said Saint Michael's Lodge of Freemasons, for so long as he or they shall hold such respective offices: in trust, nevertheless, to suffer and permit the same to be used, occupied, and enjoyed by the several members of the said Saint Michael's Lodge No. 2253 (E. R.) for the purposes of their order; and upon the further trusts hereinafter in this Act declared and contained concerning the same.

On the written request of the majority of the members to sell or exchange the same.

3. The said Arthur Barker Reginald Kaye, Master, Ernest Francis Sinderby Bowen, Senior Warden; William Bowring, Junior Warden; Thomas William Wilkinson, Secretary; and Valdemar Hanschell, Treasurer of the said Saint Michael's Lodge of Freemasons, for so long as they shall respectively hold the said offices, and every future Master, Senior Warden, Junior Warden, Secretary, and Treasurer, respectively, for so long as they shall respectively hold those offices, (hereinafter referred to as the trustees), shall upon the request in writing of all the subscribing members of the same Saint Michael's Lodge or of the major part of such subscribing members present at a duly convened meeting specially convened for the purpose, and of which seven clear days' notice has been given to every subscribing member in this Island, dispose of, either by way of sale, or in exchange for other hereditaments in this Island the said place "The Saint Michael's Lodge" and hereditaments, (hereinafter referred to as the said property), and any sale may be either by public auction or private contract with power to buy in at any sale by auction or to rescind any contract for sale, and to resell without being answerable for any loss occasioned thereby; and may enter into, execute, and do all such acts, conveyances, assurances, and things, for effectuating any such sale or exchange as they shall think fit: and may grant defeazances for payment of the purchase money of the land or property sold, or any part thereof, and may accept such security for payment of the said purchase money, or any unpaid part thereof, as to the trustees shall seem expedient: And the trustees shall receive all the moneys to arise from the sale of the said property, or to be paid for equality of exchange, and shall, with and out of the said moneys, in the first place pay and retain the costs and expenses attending such sale or exchange, and

Trusts of the moneys to arise from any sale.

Saint Michael's Lodge (Masonic) Trustees Act.

shall stand possessed of the residue of the said moneys upon the trusts, and with and subject to the powers and provisions hereinafter in this Act declared concerning the same: And the signature of the Master, Senior Warden, Junior Warden, Secretary, and Treasurer to any deed disposing of the said property shall be effectual to pass such estate or estates therein as is or are mentioned in such deed.

4. Until the said property shall be sold as aforesaid, it shall be lawful for the trustees, upon such request as aforesaid, to demise or lease the same, or any part thereof, for any term of years not exceeding twenty one years, to take effect in possession at the best rent that can reasonably be obtained for the same, with or without taking anything in the nature of a fine or premium, and under and subject to such covenants and conditions as the trustees shall think proper.

On such request as aforesaid and until sale to lease the same or any part thereof.

5. The receipt in writing of the trustees for any moneys paid to them in pursuance of this Act, or of the trusts thereof, shall effectually discharge the person or persons paying the same therefrom, and from being concerned to see to the application, or being answerable for the loss or misapplication, thereof.

Trustees' receipt for money paid them under the Act to be a valid and effectual discharge.

6. The trustees shall stand possessed of the residue of the moneys to arise from the sale of the said property, or to be paid for equality of exchange, after payment of the costs and expenses attending such sale or exchange as aforesaid, in trust for the subscribing members for the time being of the said Saint Michael's Lodge; and subject to the foregoing trusts the said trustees shall stand possessed of the said moneys upon trust to invest the same, in the purchase of such messuages, lands, or hereditaments, situate in this Island and being freehold of inheritance as the subscribing members of the said Lodge, or the major part of the subscribing members of the said Lodge, shall in writing direct the said trustees to purchase, with liberty upon any such purchase to accept such title or evidence of title as the trustees purchasing as aforesaid shall think fit, without being answerable for any loss arising thereby: and the hereditaments so to be purchased as aforesaid shall be assured to the trustees who shall have purchased the same, and shall be held by them upon trust that they shall, upon the request in writing of the subscribing members of the said Lodge, or of the major part of the subscribing members of the said Lodge sell the same and stand possessed of the money to arise

Trust of residue of proceeds of sale.

Saint Michael's Lodge (Masonic) Trustees Act.

from such sale, after paying thereout the costs and expenses attending the sale, upon the like trusts for the benefit of the subscribing members of the said Lodge, and for purchase of other hereditaments, as are hereinbefore in this section declared as to the moneys to arise from the sale of the said property; and the said hereditaments so to be purchased as aforesaid shall be held by the trustees who shall have purchased the same upon further trusts, in the meantime and until the re-sale, to permit the same to be used, occupied, and enjoyed by the subscribing members of the said Lodge for the purposes of their order, or upon such request as is hereinbefore in this section last mentioned let or demise the same in the same manner as the trustees are by this Act empowered to let or demise the said property.

Trust of rents received by the trustees.

7. All moneys received by the trustees for rent of the said property shall be paid by them into the general revenue of the said Lodge and the moneys received for rent of any hereditaments to be purchased under the power for that purpose hereinbefore in this Act contained shall be paid into the general revenue of the said Lodge.

Trustees to keep insured all messuages vested in them.

8. The trustees in whom for the time being any land or hereditaments subject to this Act is or are vested, shall at all times keep insured the buildings on such land or hereditaments from loss or damage by fire, in their names, in some office or offices of insurance in a sufficient sum to cover the value of the said buildings, and shall for that purpose pay all premiums and sums of money payable in respect of such insurance. All moneys which shall be received from time to time under or by virtue of any such insurance as aforesaid shall be forthwith laid out and applied by the trustees in or towards the rebuilding and repairing the said buildings or such part thereof as shall be burnt down or damaged by fire.

Trustees to keep all buildings in good repair.

9. The trustees in whom at any time any land and buildings or hereditaments subject to this Act are vested shall at all times keep such buildings, and also all enclosure-walls belonging to the same respectively, in good and substantial repair, and shall adjust, compound, and settle all accounts and claims respecting the same. And such trustees shall from time to time make and effect all such improvements, alterations, and additions to the hereditaments for the time being subject to the trusts of this Act, as all the subscribing members of the Lodge or the major part of the subscribing members of the said Lodge shall in

Saint Michael's Lodge (Masonic) Trustees Act.

writing direct, and for that purpose shall enter into make and perform all such contracts and agreements with architects, workmen, and others as the trustees shall think fit, and may refer to arbitration, upon such terms and conditions as they shall think fit, any disputes which may arise with any person or persons with whom the trustees shall have any dealings or transactions, in relation to the premises, and may, at their discretion, abide by, or contest and dispute, any submission or arrangement which may have been made or entered into as aforesaid, or any award or other matter or proceeding consequential thereon.

10. It shall be lawful for the trustees, in whom at any time any land and buildings or hereditaments subject to this Act are vested, to raise any money which may be required to keep the buildings on such land or hereditaments insured and in repair as aforesaid, or which may from time to time be required for improving, altering, or adding to the hereditaments for the time being subject to the trusts of this Act as aforesaid, by a mortgage of or other charge on the said hereditaments, or any part thereof. No person lending or advancing money to the trustees on any such security, shall be bound or concerned to see to the application thereof.

Power for trustees to raise money required for insuring, repairing, &c.

11. Upon the exercise of any power or authority conferred by this Act on the trustees for the time being acting in the trusts of this Act, it shall not be competent for any purchaser, lessee, mortgagee, or other person or body corporate dealing with them, to call for evidence, or to enquire as to whether the persons making any request, or giving any direction or consent required by this Act, are all the subscribing members of the said Lodge, or are the major part of them, or as to whether the persons professing to be trustees have been duly appointed such; but every request or direction or consent, and every appointment of trustees purporting to be signed by all the subscribing members of the said Lodge, or by the major part of them, shall be deemed and taken as sufficient evidence, without any further or other proof that the persons signing the same are all the subscribing members of the said Lodge or are the major part of those members, as may be.

Persons dealing with the trustees not to make enquiry as to the matter herein mentioned.

Cruelty to Animals Act.

1903—2.

An Act to consolidate the Acts of this Island relating to the Prevention of Cruelty to Animals.

[24th January 1903.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the Cruelty to Animals Act, 1903.

Interpretation. **2.** In this Act, unless the context otherwise requires, "animal" means and includes any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, dog, cat, or any other animal, whether of the kind or species particularly mentioned, or of any other kind or species whatever, and whether a quadruped or not;

"constable" means a police constable or a parish constable;

"over-drive" includes over-ride.

Cruelty.

Penalty not exceeding £5 for ill-treating animal. **3.** If any person shall wantonly and cruelly beat, ill-treat, starve, over-drive, overload, abuse, torture, infuriate, tease, terrify, or cause unnecessary suffering to, or otherwise maltreat, or cause or procure to be cruelly beaten, ill-treated, starved, over-driven, over-loaded, abused, tortured, or otherwise maltreated, any animal, or permit to be infuriated, teased, terrified, or caused any unnecessary suffering to any animal, every such offender shall for every such offence forfeit and pay a penalty not exceeding five pounds.

ramming feathered stock. **4.** If any person shall offer for sale, or cause to be exposed or offered for sale, any feathered stock in the condition known as crammed or stuffed, or having any foreign substance in its crop, such as lead, iron, or stone, every such offender shall for every such offence forfeit a sum not exceeding ten shillings.

Penalty not exceeding £5 on bull-baiting, cock-fighting, etc. **5.** Every person who shall keep or use, or act in the management of any place for the purpose of fighting or baiting any bull, dog, cock, or other kind of animal whether of domestic or wild nature, or shall permit or suffer any place to be so used, shall be liable to a penalty not exceeding five pounds for every day he shall so keep, or use, or act in the management of any such place, or permit or suffer any place

Cruelty to Animals Act.

to be used as aforesaid: provided always that every person who shall receive money for the admission of any other person to any place kept or used for any of the purposes aforesaid shall be deemed the keeper thereof, and any person who shall in any manner encourage by his presence or otherwise, or shall aid or assist at the fighting or baiting of any bull, dog, cock, or other animal as aforesaid, shall forfeit and pay a penalty not exceeding five pounds for every such offence.

6. If any person shall work, or cause to be worked, any animal in such an emaciated condition as to be unfit for work, whether that condition be caused by disease or deficient feeding, in any cart, waggon, plough, or carriage, or other vehicle of pleasure or burthen, he shall for every such offence, on conviction thereof, forfeit a sum not exceeding one pound.

Penalty not exceeding £1 on using animal unfit for work.

7. If any person shall, by cruelly beating, ill-treating, over-driving, abusing, over-loading, or torturing any animal, do any damage or injury to such animal, or shall thereby cause any damage or injury to be done to any person or to any property, every such offender shall, on conviction of such offence, pay to the owner of such animal (if the offender shall not be the owner thereof), or to the person who shall sustain damage or injury as aforesaid, such sum of money by way of compensation, not exceeding the sum of ten pounds, as shall be ascertained and determined by the Police Magistrate by whom such person shall have been convicted; provided always that the payment of such compensation, or any imprisonment for the non-payment thereof, shall not prevent, or in any manner affect, the punishment to which such person or the owner of such animal may be liable for or in respect of the beating, ill-treating, over-driving, over-loading, or abusing of the said animal: provided also that nothing herein contained shall prevent any proceeding by action against such offender, or the employer of such offender, when the amount of damages or injury is not sought to be recovered under this Act.

Penalty not exceeding £10 for cruelly beating, or causing damage.

Compensation.

8. (1.) Every person who shall impound or confine, or cause to be impounded or confined, in any pound, or receptacle of the like nature, any animal, shall provide and supply during confinement a sufficient quantity of fit and wholesome food and water to such animal, and the reasonable costs of such food and water shall be paid by the owner of such animal before such animal is removed to the person who shall supply the same, and the said costs may be recovered in a summary manner before a Police Magistrate;

Animals impounded to be properly fed under a penalty of £1.

Cruelty to Animals Act.

and every such person who shall refuse or neglect to provide and supply such animal with such food and water as aforesaid shall for every such offence forfeit and pay a penalty of twenty shillings.

Cost of feeding animals.

(2.) In any case in which any animal by direction of any execution creditor, given by endorsement on the execution or otherwise, has been taken in execution, or by direction of a landlord has been distrained on, and the title of the execution debtor or tenant (as the case may be) to such animal is questioned, and such animal is by order of any court, or with the consent of any such execution creditor or landlord, afterwards given up to any claimant other than the execution debtor or tenant, the execution creditor or the landlord (as the case may be) shall pay all reasonable expenses incurred by the Provost Marshal, or by any writ officer or government auctioneer, for all necessary food and water supplied to such animal, not exceeding, in the case of horses or mules, one shilling a day for each animal; in the case of asses or cattle, sixpence a day for each animal; and in the case of hogs, sheep, or goats, threepence a day for each animal. And all such expenses shall be recovered in a summary manner before a Police Magistrate.

Penalty not exceeding £2 on using condemned animals.

9. If any person shall use or employ, or cause or permit to be used or employed, any horse or other cattle brought or delivered to him for the purpose of being destroyed, or shall permit or suffer any such horse or other cattle to be employed in any manner of work, every such person shall be liable to forfeit and pay a penalty not exceeding forty shillings for every day for which such horse or other cattle shall be so used or employed; and every person who shall be found using or employing any such horse or other cattle shall be liable to forfeit and pay a penalty not exceeding forty shillings for every day he shall use or employ any such horse or other cattle as aforesaid.

Penalty not exceeding £10 on torturing animals required for food.

10. Any person who shall torture or cause unnecessary suffering to any animal which is required to be killed for food or for any other necessary purpose, or in consequence of accidental injury or incurable disease, or who shall aid or abet any other person in inflicting such torture or suffering, shall be liable to a penalty not exceeding ten pounds.

Penalty of £3 on causing unnecessary pain to animals in transit.

11. If any person shall convey, or carry, or cause to be conveyed or carried, in or upon any vessel, vehicle, boat, lighter or drogher, any animal in such a manner or position as to subject such animal to unnecessary pain or suffering, every such person shall forfeit and pay a penalty not

Cruelty to Animals Act.

exceeding three pounds for the first offence, and a penalty not exceeding five pounds for the second and every subsequent offence.

Obstruction of officer.

12. If any person shall at any time or in any manner unlawfully obstruct, hinder, molest, or assault any constable or other person legally authorised, while in the exercise of any power or authority under or by virtue of this Act, every such person shall forfeit and pay a penalty not exceeding five pounds for such offence.

Obstructing
officer.

Complaint against driver.

13. When any complaint shall be made before any Police Magistrate against the driver or conductor of any livery or any hackney carriage or omnibus, or the driver of any cart, waggon, van, or other vehicle, for any offence committed by him against the provisions of this Act, it shall be lawful for such Police Magistrate, if he shall think proper, forthwith to summon the proprietor of such carriage, omnibus, cart, waggon, van, or other vehicle, to produce before him the driver, conductor, or other servant, by whom such offence was committed to answer such complaint, and in case such proprietor, after being duly summoned, shall fail to produce the driver, conductor, or servant, it shall be lawful for the Police Magistrate, before whom such driver, conductor, or servant shall be required to be produced, if he shall think fit, to proceed in the absence of such driver, conductor, or servant to hear and determine the case in the same manner as if he had been produced, and to adjudge payment by the proprietor of any penalty or sum of money and costs in which the driver, conductor, or servant shall be convicted; and any sum of money which shall be so paid by the proprietor shall and may be recovered in a summary way from the driver, conductor, or servant through whose default such sum shall have been paid, upon proof of payment thereof, and of such servant's refusing or neglecting to be produced pursuant to the order of the Police Magistrate, in the same manner as penalties are to be recovered under the provisions of this Act; provided always that if the said Police Magistrate shall deem it proper it shall be lawful for him, when such proprietor shall fail to produce his driver, conductor, or servant without any satisfactory excuse to be allowed by such Police Magistrate, to impose a fine of forty shillings upon such proprietor, and so from

Complaint
against drivers
of hackney
carriages, carts,
or other vehicles.
Owner liable if
driver be not
forthcoming.

Cruelty to Animals Act.

time to time as often as he shall be summoned in respect of such complaint until he shall produce the said driver, conductor, or servant.

Destruction of animals by order of Magistrate.

Veterinary
surgeon to be
summoned.

14. (1) Any Police Magistrate before whom a charge under this Act is made may if he thinks fit direct that a qualified veterinary surgeon, or a person who has practised as a veterinary surgeon for a period of five years, be summoned to give evidence on the hearing of such charge, and any veterinary surgeon, or practitioner, who appears and gives evidence on the hearing of any such charge, shall be entitled to receive out of the Public Treasury the sum of ten shillings, and travelling expenses not exceeding sixpence a mile one way, on the certificate of the Police Magistrate that he has given such evidence.

Destruction of
animal unfit for
use.

(2) If in the opinion of any such veterinary surgeon or practitioner the animal to which any such charge relates, from incurable disease, or from any other cause, cannot without cruelty be used for any purpose for which animals of the like kind are ordinarily used, the Police Magistrate hearing the charge may, in lieu of or in addition to any other penalty authorised by law, order such animal to be destroyed in such manner as he shall think fit.

Cost of
maintenance
pending appeal.

(3) In case of an appeal from any order of a Police Magistrate directing the destruction of any animal, such animal shall be detained by the police until the hearing of the appeal, and the Assistant Court of Appeal shall, if such order is confirmed, direct that the costs of the keep of the said animal until the hearing of the appeal shall be recovered from the appellant in the same manner as costs of court are recovered.

Penalties and compensation.

Recovery and
disposal of
penalties &c.

15. (1) All penalties and forfeitures under this Act, and all compensation for damage, may be recovered in a summary manner before a Police Magistrate on the complaint of any person; provided always that it shall be lawful for such Police Magistrate if he thinks fit, instead of imposing a pecuniary penalty, forthwith to sentence any offender to be imprisoned with or without hard labour for any term not exceeding three months. All penalties and forfeitures shall be paid one half into the Treasury to the credit of the general revenue, and the other to the complainant, but all compensation money shall be paid to the party aggrieved or entitled.

Cruelty to Animals Act.

(2.) The Police Magistrate may, instead of issuing a summons, forthwith issue a warrant for the apprehension of the person charged, whenever good grounds for so doing shall be stated on oath.

Vexatious complaints.

16. If on hearing any complaint the Police Magistrate shall be of opinion that such complaint was frivolous or vexatious, it shall be lawful for such Police Magistrate to order the person making such complaint to pay to the party complained against any sum of money, not exceeding the sum of twenty shillings, as compensation for the trouble and expense to which such party may have been put by such complaint, and the sum thereby ordered to be paid shall be recovered as a penalty under this Act is recovered.

Arrest of offenders.

17. (1.) When and so often as any of the offences against this Act are committed, it shall and may be lawful for any constable upon his own view thereof to arrest any such offender, and forthwith without any other authority or warrant to convey him to the nearest police station there to be dealt with according to law.

(2.) Whenever any person, having charge of any vehicle or any animal, shall be taken into custody, such constable may take charge of such vehicle or animal, and convey the same to the police station; any such animal, not the subject of the charge against the person arrested, and any such vehicle, shall be delivered up to the person entitled to the same; any animal, the subject of the charge against the person arrested, may be detained pending the order of the court in respect thereof, and the costs of keeping the same may be recovered summarily in addition to any penalty or punishment imposed upon the offender.

Limitation of actions.

18. No action shall be brought against any Police Magistrate or other person for anything done in pursuance or under the authority of this Act, unless such action shall be commenced within two calendar months next after the fact committed.

Lighthouses Act.

An Act to consolidate and amend the Acts relating to Lighthouses.

[26th January, 1903.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Lighthouses Act, 1903.

Keepers and assistants.

Appointment and salaries.

2. (1) The Governor is hereby authorised to appoint the following keepers and assistant keepers at the annual salaries herein specified, namely— at South Point Lighthouse, a keeper at seventy five pounds with an annual increment of five pounds until the sum of one hundred pounds is reached, and two assistant keepers at fifty pounds each; at Ragged Point Lighthouse, a keeper at seventy-five pounds with an annual increment of five pounds until the sum of one hundred pounds is reached, and two assistant keepers at fifty pounds each; and at Needham's Point Lighthouse, two keepers at sixty two pounds ten shillings each.

(2) The said salaries shall be paid monthly from the Treasury on the warrant of the Governor-in-Executive Committee.

Maintenance and repairs.

Expenditure not to exceed £415 annually.

3. The Governor-in-Executive Committee may issue his warrant to the Treasurer for the payment of such sums as may be required for the maintenance and repairs of the said lighthouses, lights, and appurtenances; provided that the annual expenditure under this section shall not exceed four hundred and fifteen pounds.

Rules.

Regulations.

4. The Governor-in-Executive Committee may make, amend, and enforce regulations for the guidance of the keepers and assistant keepers of the said lighthouses, and for the proper and orderly lighting and keeping thereof.

Damage to—penalty.

Penalty on putting out lights or injuring them, or the lighthouses.

5. If any person shall wilfully put out or injure the said lights, or shall wilfully destroy or injure the said lighthouses or any building belonging thereto, such person shall, on conviction thereof at the Court of Grand Sessions, be fined or imprisoned at the discretion of the said Court for a

Lighthouses Act.

period not exceeding two years; provided that in case the injury or damage done to the said lighthouses, or any building thereof, shall not exceed the sum of twenty pounds, it shall and may be lawful for a Police Magistrate to hear and determine the same, and to impose a fine on the offender not exceeding the sum of twenty pounds; and if not paid within fourteen days, the Police Magistrate shall by warrant under his hand commit the offender to prison for three months unless the fine be sooner paid.

 1903—4.

An Act to consolidate the Acts of this Island relating to Petty Trespasses to Land.

[6th February 1903.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Petty Trespass Short title Act, 1903.

Animals taken damage feasant.

2. (1) It shall and may be lawful for the owner, proprietor, attorney, overseer, or other person in charge of any plantation or place, to cause any sheep, goat, hog, or feathered stock, when found trespassing on the lands of such plantation or place, either to be killed or impounded on such plantation or place; and for every sheep, goat, or hog impounded, the owner or proprietor of such plantation or place shall be entitled to one shilling; and for every head of feathered stock five pence which, if not paid in seven days by the owner of such sheep, goat, hog, or feathered stock, it shall and may be lawful for the owner, proprietor, attorney, overseer, or other person in charge of such plantation or place, to sell such sheep, goat, hog, or feathered stock, and after deducting the sum or sums aforesaid, and the expense of feeding such sheep, goat, hog, or feathered stock, the overplus arising by such sale shall be paid over by the party impounding and selling such sheep, goat, hog, or feathered stock, to the rightful owner thereof; or the owner, proprietor, attorney, overseer, or

Petty Trespass Act.

other person in charge of any plantation or place so trespassed on may lodge a complaint before a Police Magistrate, who is hereby required to issue a summons to any three neighbouring freeholders to attend and appraise such damage, and award the amount of compensation to be made therefor; and if any freeholder summoned for the purpose aforesaid shall neglect or refuse to attend and appraise such damage, and award such compensation without reasonable cause to be approved by the said Police Magistrate, he shall incur a penalty of twenty shillings.

Horses, cattle,
&c., how to be
dealt with when
impounded.

(2) It shall and may be lawful for the owner, proprietor, overseer, or other person in charge or possession of any plantation, land, or place, to cause any horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels not provided for in the preceding subsection, when found trespassing on such plantation, land, or place, to be impounded on such plantation, land, or place; and for every horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels so impounded, the owner or proprietor or person possessed of such plantation, land, or place, shall be entitled to two shillings, which, if not paid within three days from the time the owner or person in charge or possession thereof shall receive notice in writing of such trespass, or from the time of such notice being left at his usual residence, it shall and may be lawful for the owner, proprietor, attorney, overseer, or other person in charge or possession of such plantation, land, or place to insert an advertisement in one of the public papers of the Island, offering for sale such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, and proceed by a constable to sell the same by public auction at the station house of the district within which the impounding shall take place; and such constable shall be entitled to retain for his use the sum of four shillings out of the proceeds of the sale for his trouble in conducting such horse, mare, gelding, mule, ass, bull ox, cow, calf, or other living chattels to the said station house and selling the same; and if any constable shall refuse to perform the duty hereby required of him, he shall incur a penalty of sixteen shillings; and after deducting the sum aforesaid, together with the expenses of feeding, not exceeding the rate of one shilling for each day after the first day of impounding and also the expense of advertising such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, the overplus (if any) arising from such sale shall be paid over by the party impounding the same to the rightful owner thereof; provided nevertheless that should such owner or person in charge

Petty Trespass Act.

of such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, be unknown, the time shall be extended to seven days, after the expiration of which the party impounding the same shall proceed to advertise and sell the same, accurately describing such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, and the time and place of impounding the same, and when and where the sale will take place, and after deducting the aforesaid sum, together with the expenses of feeding, advertising, and sale, the overplus (if any) shall be paid into the Public Treasury of this Island, and if not claimed within two months, shall be forfeited to the use of the public. But if the owner, proprietor, attorney, overseer, or other person in charge or possession of any plantation, land, or place so trespassed on cannot take and impound such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels; or should, after impounding the same, consider the sum mentioned not equivalent to the damage done by such trespass, such person may return such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, to the rightful owner, or the person having charge or possession, and lodge a complaint before the Police Magistrate, who is hereby required to issue a summons to any three freeholders to attend and appraise such damage and award the amount of compensation to be made therefor, and if any freeholder summoned for the purpose aforesaid shall neglect or refuse to attend and appraise such damage and award such compensation without reasonable cause, to be approved by the said Police Magistrate, he shall incur a penalty of sixteen shillings.

(3) Any person impounding such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, shall not be liable or responsible for the death or injury of such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, so impounded, unless it shall be proved that such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, died or was injured by the wilful act or neglect of the person impounding the same.

(4) All sums awarded as compensation for damage and all penalties under this Act may be recovered in a summary manner before a Police Magistrate on the complaint of the person aggrieved, and such compensation shall be paid to the party aggrieved, and such penalties into the Public Treasury for public uses.

When the animal cannot be impounded, or the damage exceeds the sum allowed, Police Magistrate may summon three freeholders to appraise damage.

Freeholder summoned, and not attending liable to a fine.

Persons impounding, liable only for wilful act or neglect.

Recovery of compensation and penalties.

Wanton annoying, or malicious trespass.

3. (1.) If any person shall unlawfully enter in a wan-

Description of offences.

Petty Trespass Act.

ton or insulting or threatening manner upon any lands or premises in the possession of any other person or persons, or shall unlawfully enter upon such lands or premises after having been forbidden to do so, or shall unlawfully enter and remain thereon after having been required to depart, or if any person having lawfully entered upon such lands or premises shall misconduct himself by behaving in an insulting, annoying, or threatening manner, or shall remain on such lands or premises after having been requested to depart, the person so offending shall be liable to a penalty not exceeding forty shillings, to be recovered before a Police Magistrate on the complaint of the owner or occupier of any such lands or premises and paid into the Treasury for public uses, or in default of payment to be imprisoned for any term not exceeding one month with or without hard labour: provided always that if on the hearing of any complaint for an offence under this section the Police Magistrate shall be of opinion that a bona fide question of title is raised between the parties, he shall dismiss such complaint, and may make such order in respect of the cost thereof, as he shall think fit.

Penalty not to exceed 40/, or in default of payment imprisonment for any term not exceeding one month with or without hard labour.

Saving of rights over customary paths.

(2.) This section shall not interfere with or be construed to affect the rights of any person or persons to pass or repass in an orderly and quiet manner through and along the customary path leading from the public highways to the villages or cottages adjacent; provided nevertheless that nothing contained in this Act shall be deemed to affect the title or freehold of any person or persons in any such paths.

Conviction under this section a bar to other proceedings.

(3.) A conviction under any complaint brought in pursuance of the provisions of this section shall be a bar without being specially pleaded to any other proceedings in respect of the same subject matter, brought in any Petty Debt Court or other Court against the same person.

Affixing bill &c., on building, wall, tree, fence, &c. to be deemed an offence.

4. If any person shall affix any posting bill or other paper against or upon any building, wall, fence, tree, or pale, or write upon, soil, deface, or mark, any such building, wall, fence, tree, or pale, with ink, pencil, chalk, or paint, or in any other way whatsoever, or shall cause or procure any posting bill or other paper to be so affixed to such building, wall, fence, tree, or pale, or shall cause or procure any such building, wall, fence, tree, or pale to be written upon, soiled, defaced or marked as aforesaid without the previous consent in writing in each and every case of the owner, occupier, or person in charge of such building, wall, fence, tree, or pale, the person so offending shall be deemed to have committed a petty trespass under this Act and shall be liable to a

Petty Trespass Act.

penalty not exceeding forty shillings to be recovered before a Police Magistrate on the complaint of the owner, occupier, or person in charge of such building, wall, fence, tree, or pale and paid into the Treasury for public uses, or in default of payment to be imprisoned for any term not exceeding one month with or without hard labour. Provided always that for the purposes of this section if any person, firm, or company, or his or their agent in this Island, shall employ a poster bill-sticker or other person to affix as aforesaid any posting bill or other paper to buildings, walls, fences, trees, or pales, or to write upon, soil, deface or mark as aforesaid buildings, walls, fences, trees or pales, the person, firm, or company, who or whose agent in this Island shall have employed such poster bill-sticker or other person as aforesaid, shall be deemed and taken to have caused and procured such posting bill or other paper to be so affixed on such building, wall, fence, tree, or pale, or such building, wall, fence, tree, or pale to be so written upon, soiled, defaced or marked as aforesaid : and in case such posting bill or other paper, writing, soiling, defacement or marking as aforesaid shall be in the nature of an advertisement, then the person, firm or company sought to be benefited by such advertisement, or his or their agent in this Island, shall, unless such person, firm, or company or his or their agent in this Island shall prove the contrary, be deemed and taken for the purpose of this section to have employed such poster bill-sticker or other person as aforesaid and shall be liable accordingly.

Person, firm or company employing a bill-poster to stick bills &c., on walls, buildings &c. shall be deemed to have caused or procured such bill-posting.

If any advertisement, the person &c., benefited by such advertisement shall be deemed to have employed such bill-poster.

Trespass in the night time

5. Every person who shall be found between the hours of 7 of the clock in the evening of one day and 5 of the clock in the morning of the next day in any yard, garden, or any cultivated lands, or in any interval between cultivated lands other than a path permitted to be used by the general public, or in or about the works of any plantation, and who on being taken before the Police Magistrate of the district shall fail to make it appear to the satisfaction of such Police Magistrate that he had some reasonable cause or excuse for being in the place where he shall be so found, shall on conviction thereof before such Police Magistrate be deemed to have committed a petty trespass under this Act and shall be liable to a penalty not exceeding forty shillings to be recovered before such Police Magistrate on the complaint of the owner, occupier, or person in charge of such yard, garden, cultivated lands or plantation works, and paid into the

Person found in yard &c. between 7 p.m. and 5 a.m. without reasonable cause or excuse to be guilty of petty trespass.

Petty Trespass Act.

Treasury for public uses, or in default of payment to be imprisoned for any term not exceeding one month with or without hard labour.

Such person may be apprehended and taken to police station or guard house in the district.

6. For the more effectual apprehension of the person committing the offences mentioned in the last preceding section it shall be lawful for any constable, or the owner, occupier, or person in charge of the lands upon which such offence shall be committed, or his watchman or other servant, or any person authorized by such owner, occupier, or person in charge, to seize and apprehend such offender upon such lands, or in case of pursuit being made, in any other place to which he may have escaped therefrom, and to deliver him as soon as may be into the custody of the police at the police station or any guard-house of the district to be dealt with according to law.

Constable to assist in such apprehension when required to do so.

7. Every constable shall assist in the apprehension of any person found committing any offence mentioned or referred to in the last two preceding sections of this Act whenever required so to do by the owner, occupier, or person in charge of the lands, or any watchman or other servant of the owner, occupier, or person in charge of the lands upon or in respect whereof such offence shall be committed.

 1903—5.

An Act to consolidate and amend the Acts relating to the Office of Colonial Secretary.

[6th February, 1903.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Colonial Secretary's Office Act, 1902.

The Department.

Staff.

2. (1.) The Colonial Secretary's department shall consist of the following officers, who shall receive the several annual salaries herein specified, namely:—

Colonial Secretary	...	...	£750
Chief clerk	...	...	300
Second clerk	...	...	150
Third clerk	...	...	100
Fourth clerk	...	...	75
A messenger	...	...	20

Colonial Secretary's Office Act.

(2.) A sum not exceeding one hundred pounds may be expended annually by the Colonial Secretary in employing extra clerks, and in paying for the copying of despatches to the Secretary of State for the Colonies. Such extra clerks shall perform such duties in any department of the public service as the Governor may determine. Extra clerical assistance.

(3.) The foregoing sums shall be paid from the Public Treasury by warrant of the Governor-in-Executive Committee. Salaries, &c., how paid.

(4.) The officers of the Colonial Secretary's Office shall from time to time be appointed by the Governor, and they shall not be engaged or concerned in trade, or other business. Appointment ; not to engage in trade, &c.

(5.) The Governor-in-Executive Committee may, from time to time, appoint the hours of general attendance of the respective officers of the Colonial Secretary's Office ; and may also from time to time make regulations in relation to the performance of their duties. Duties and hours of attendance.

(6.) No officer of the Colonial Secretary's Office shall be compelled to serve on any appraisalment of any property in this Island. Exemption from serving on appraisalments of land.

Clerk of Executive Committee

3. The duties formerly performed by the clerk of the Executive Committee and his assistant shall be performed by the Colonial Secretary's department, and the rights and powers vested in and the duties performed by the clerk of the Executive Committee and his assistant shall be vested in the person having the supervision and control of the said department and may be respectively executed and performed by any clerk of the said department. The department to perform duties of clerk of Executive Committee.

Clerk of Legislative Council.

4. The chief clerk shall be the clerk of the Legislative Council. Chief clerk to be clerk of Legislative Council.

Stationery, etc.

5. The Colonial Secretary shall be furnished with stationery and other incidental expenses of his office at the public cost ; and the Governor-in-Executive Committee is hereby authorised to issue his warrants on the Treasurer of the Island to pay any sum not exceeding two hundred pounds annually incurred for the purposes above-mentioned. Not exceeding £200 per annum for stationery.

*Colonial Secretary's Office Act.**Fees.*

Account of and
audit.

6. The Colonial Secretary shall keep a daily record of all fees and emoluments received in his office on account of the public in a book to be kept for that purpose, and shall pay over at the end of every month to the Treasurer of the Island the amount of all fees and emoluments received by himself as Secretary of the Island, and at the time of paying over the same he shall deliver and leave with the Treasurer a detailed and classified statement and account in writing of the sums of money received by him during the month, in order that such statement and account may be laid before the Auditor General of the Island for examination, who is hereby authorised and required to examine quarterly the books of the office in which such fees and emoluments are entered.

Schedule of fees.

7. The Colonial Secretary shall, in respect of the several matters and things specified in the schedule to this Act, be entitled to demand and receive for the benefit of the general revenue the several fees specified in the said schedule.

Provided nevertheless that the fee demanded and received by him upon the passing of a private bill shall be paid by him to the clerk of the Legislative Council for his own use.

Marriage license.

Chief clerk may
administer oath
on issue of.

8. The chief clerk, or the person for the time being acting as such, may administer oaths to persons applying for marriage licenses; and any such act of the chief clerk shall be as valid for all purposes as if it had been performed by the Colonial Secretary; provided always that this section shall not be deemed in any way to interfere with or abridge the power of the Colonial Secretary to administer such oath.

Certificates of nationality and warrants of survey.

Nationality and
survey of land.

9. Certificates of nationality and warrants of survey of land shall be issued from the Colonial Secretary's department.

SCHEDULE.

	£	s.	D.
A warrant of survey		5	0
Great seal of the Island affixed to any paper	1	0	0
Allowance for a parish levy and execution ...	1	0	0
Upon passing a private bill	3	6	8
Taking a bond and issuing a marriage license		16	8

1903—6.

Registration Office Act.

1903—6.

*An Act to consolidate and amend the Acts relating to the
Registration Office.*

(13th February 1903.)

BE it enacted by the Governor, Council, and Assembly of
this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Registration Office Short title.
Act, 1903.

The Department.

2. (1.) The Registrar's department shall consist of the Officers.
following officers, who shall receive the several annual
salaries herein specified, namely:—

A Registrar at	£400
A Deputy Registrar at	200
A clerk at	100
A clerk at	60
A messenger at	20

(2.) The several officers of the Registrar's depart- Appointment
ment shall be appointed by the Governor, and their annual and payment.
salaries shall be paid on the warrant of the Governor-in-
Executive Committee out of the Public Treasury by equal
monthly instalments.

(3.) Any assistance that may be required for
recording or copying documents may be obtained by the
Registrar at a cost not exceeding two pence per folio of
ninety words and shall be paid for by the Treasurer on the
certificate of the Registrar.

Functions of Registrar and Deputy.

3. (1.) The Registrar shall have the rights and Registrar.
discharge the duties heretofore appertaining to the offices
of Prothonotary of the Court of Common Pleas, Registrar
of the Court of Chancery, Clerk of the Crown and Peace,
Clerk of the Court of Ordinary, Clerk of the Court of Error,
Notary Public, Registrar of the Colonial Court of Admiralty,
Registrar of Solicitors, and Registrar of Joint Stock Com-
panies; provided always that he shall not be entitled to the
salary, fees, or emoluments of any of the offices aforesaid.

(2.) All rights, powers, duties, and functions here-
tofore vested in, performed, and discharged by, the Colonial
Secretary, as the head of the record branch of the Colonial
Secretary's department, shall be vested in, performed, and
discharged by the Registrar.

Registration Office Act.

Deputy Registrar.

4. The Deputy Registrar may at any place or time exercise any of the powers and authorities of the Registrar if the Registrar is not present, and all duties and functions for the performance and discharge of which the Registrar would be compelled to attend the sitting of any court may be performed and discharged by the Deputy Registrar.

Notary public.

Notarial duties.

5. The Registrar may protest bills of exchange for non-acceptance or non-payment; receive and enter protests in mercantile matters; take depositions in writing relating thereto; attest procurations, deeds, and powers of attorney, and do all other acts as notaries public do in England.

Penalty on any other person acting as notary public.

6. If any person other than the Registrar or Deputy Registrar shall do any act as a notary public in this Island, by virtue or colour of any power or authority from any person whatsoever, other than and except His Majesty and his successors, he shall for every such act by him done as a notary public forfeit the sum of sixty pounds to be recovered in a summary manner before a Police Magistrate, one half thereof to be to the use of the informer, and the other half thereof to the use of the Public Treasury of this Island.

Fees and accounts.

Schedule of fees.

7. (1.) The Registrar shall, in respect of the several matters specified in the schedule to this Act, be entitled to receive for the benefit of the general revenue the several fees specified in the said schedule.

Fees to be paid into Treasury.

(2.) All fees received by the Registrar shall be paid by him into the Public Treasury to the credit of the general revenue at the end of each month.

Quarterly audit.

(3.) A full, accurate, and detailed account of all such fees received shall be kept by the Registrar, and the said account and all books of the Registrar's office relating thereto shall be examined and audited quarterly by the Auditor General.

Registration of births, &c.

No additional salary if compulsory registration of births, &c.

8. If any duties in connection with the compulsory registration of all births, deaths, and marriages are hereafter imposed on the Registrar he shall have no claim to any increase of salary by reason of the performance of such duties.

Registration Office Act.

SCHEDULE.

General.

	£	s.	d.
Folio in this schedule means a folio of 90 words.			
Recording each certificate, or affidavit, or affirmation annexed to any instrument executed or made in England, or elsewhere, the folio			6
Recording a plot	10		0
Recording a probate	1		8
Recording a receipt to a sale or to any other document	1		8
Recording papers of any kind, other than those hereinbefore mentioned, the folio			6
Office copies of any document or paper, the folio			4
Search for any record by any person, other than a member of the legal profession or his clerk on his behalf, for each year ...			6
The perusal of any record by any person, other than a member of the legal profession or his clerk on his behalf	1		8
Certificate of search made, for each year ...	2		0
The allowance of any writing under the seal of any city, borough, or town corporate ...		5	0

In the Court of Error.

Taxing every bill of costs	2		0
-----------------------------------	---	--	---

Notarial.

For noting a protest on a bill, or a vessel ...	4		2
Drawing a protest on a bill, and recording same	12		6
Drawing a protest for a vessel, administering oath to seamen if required, and recording same	3		2 6
Drawing certificate or deposition, and affixing seal of office, and administering oath, if required	16		8
Affixing seal of office only to any certificate and administering oath if required ...		6	0
For marking each paper as an exhibit ...		2	0

Patents Act.

1903—7.

An Act to regulate the granting of Patents for Inventions.

[19th March, 1903.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Patents Act, 1903.

Interpretation of terms.

2. In this Act, unless where the context otherwise requires, the following words and expressions shall have or include the meaning hereinafter assigned to them, (that is to say)—

“Court” shall mean the Court of Chancery for this Island.

“examiner” shall mean any skilled person or persons to whom the Registrar shall refer questions concerning patents under this Act.

“prescribed” shall mean prescribed by any of the schedules to this Act or by regulations under this Act.

“Registrar” shall mean the Registrar of this Island or any person for the time being acting as such.

“Legislature” includes any person or persons who exercise legislative authority in the British Possession, and where there are local Legislatures as well as a central Legislature means the central Legislature only.

“British Possession” means any territory or place situate within His Majesty’s dominions and not being or forming part of the United Kingdom or of the Channel Islands or of the Isle of Man; and all territories and places under one Legislature as herein-before defined are deemed to be one British Possession for the purposes of this Act.

The terms “true and first inventor,” “true inventor,” and “inventor” shall, to the extent that the context does not express, include the person who is the actual inventor of any invention or his assigns, or if the actual inventor be dead his legal representatives, or (if the actual inventor, his legal representative or assigns, is or are not resident in this Island) any person to whom such invention has been communicated by the actual inventor, his legal representatives or assigns, but shall not include a person importing an invention from any other colony or country without the authority of the actual inventor, his legal representatives or assigns.

Patents Act.

3. Any act or thing directed to be done by or to the Registrar may, in his absence, be done by or to any officer for the time being in that behalf duly authorised. Provision for absence of Registrar.

Application for and grant of patent.

4. (1.) Any person, whether a British subject or not, may make an application for a patent. To whom patent may be granted.

(2.) Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.

(3.) An applicant may be:—

(a.) the actual inventor; or

(b.) his assigns; or

(c.) the actual inventor jointly with the assigns of a part interest in the invention; or

(d.) the legal representative of a deceased actual inventor or of his assigns; or

(e.) any person to whom the invention has been communicated by the actual inventor, his legal representatives or assigns (if the actual inventor, his legal representatives or assigns, is or are not resident in the Island).

5. (1.) An application for a patent must be made in the form set forth in the first schedule to this Act or in such other form as may be from time to time prescribed, and must be left at the Registrar's office in the prescribed manner. Application and specification.

(2.) An application must contain a declaration by the applicant, or in the case of a joint application, by one of the applicants, to the effect that the applicant or one or more of the applicants is or are in possession of an invention, whereof the applicant or one or more of the applicants claims or claim to be the true and first inventor or inventors, and for which the applicant or applicants desires or desire to obtain a patent. The application must be accompanied by either a provisional or complete specification, and must state an address in this Island for the reception of notices and other communications with respect to the application or invention.

(3.) A provisional specification must describe the nature of the invention, and be accompanied by drawings if required.

(4.) A complete specification, whether left on application or subsequently, must particularly describe and

Patents Act.

ascertain the nature of the invention, and in what manner it is to be performed, and must be accompanied by drawings, if required. Provided that the requirement as to drawings shall not be deemed to be insufficiently complied with by reason only that instead of being accompanied by drawings the complete specification refers to the drawings which accompanied the provisional specification.

(5.) A specification whether provisional or complete must commence with the title, and in the case of a complete specification must end with a distinct statement of the invention claimed.

Registrar may refer application to examiner.

6. The Registrar shall, if he think fit, refer any application to an examiner, who shall ascertain whether the nature of the invention has been fairly described and the application, specification, and drawings (if any) have been prepared in the prescribed manner, and the title sufficiently indicates the subject-matter of the invention, and shall report thereon to the Registrar.

Power for Registrar to refuse application or require amendment.

7. (1.) If the Registrar is of opinion, or if, after reference to an examiner, such examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings has not or have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the Registrar may refuse to accept the application, or require that the application, specification, or drawings be amended before he proceeds with the application, and in the latter case the application shall, if the Registrar so direct, bear date as from the time when the requirement is complied with.

(2.) Where the Registrar refuses to accept the application, or requires an amendment, the applicant may appeal from his decision to the Attorney General.

(3.) The Attorney General shall, if required, hear the applicant and the Registrar, and may make an order determining whether and subject to what conditions (if any) the application shall be accepted.

(4.) The Registrar shall, when an application has been accepted, give notice thereof to the applicant.

(5.) If after an application has been made, but before the patent thereon has been sealed, another application for a patent is made accompanied by a specification bearing the same or a similar title, the Registrar, if he think fit, on the request of the second applicant or of his legal representative may, within two months of the grant of a patent on

Patents Act.

the first application, either decline to proceed with the second application or allow the surrender of the patent, if any, granted thereon.

8. (1.) If the applicant do not leave a complete specification with his application, he may leave it at any subsequent time within nine months from the date of application, and the Registrar may, on payment of the prescribed fee, extend such time to ten months. Time for leave complete specification

(2.) Unless a complete specification is left within nine months of such extended time, the application shall be deemed to be abandoned.

9. (1.) Where a complete specification is left after a provisional specification, the Registrar may, if he think fit, refer both specifications to an examiner for the purpose of ascertaining whether the complete specification has been prepared in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification. Comparison of provisional & complete specification.

(2.) If the Registrar is of opinion, or if after reference to an examiner such examiner report, that the conditions hereinbefore contained have not been complied with, the Registrar may refuse to accept the complete specification unless and until the same shall have been amended to his satisfaction; but any such refusal shall be subject to appeal to the Attorney General.

(3.) The Attorney General shall, if required, hear the applicant and the Registrar, and may make an order determining whether and subject to what conditions, if any, the complete specification shall be accepted.

(4.) Unless a complete specification is accepted within twelve months from the date of application, or such extended time not exceeding fifteen months from the date of application, as the Registrar on payment of the prescribed fee may allow, then (save in a case of an appeal having been lodged against the refusal to accept) the application shall, at the expiration of the said twelve months or such extended time, become void.

(5.) Reports of examiners shall not in any case be published or be opened to public inspection, and shall not be liable to production or inspection in any legal proceeding other than an appeal to the Attorney General under this Act, unless the court or officer having power to order discovery in such legal proceeding shall certify that such pro-

Patents Act.

duction or inspection is desirable in the interests of justice and ought to be allowed.

Advertisement of acceptance of complete specification.

10. On the acceptance of the complete specification, the Registrar shall advertise the acceptance in the Official Gazette, and the application and specification or specifications with the drawing (if any) shall be open to public inspection.

Opposition to grant of patent.

11. (1.) Any person may, at any time within two months from the date of the advertisement of the acceptance of a complete specification, give notice at the Registrar's office of opposition to the grant of the patent on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative, or on the ground that the invention has been patented in this Island on application of prior date, or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification, but on no other ground.

(2.) Where such notice is given, the Registrar may require the person giving such notice to give security to an amount not exceeding twenty five pounds for the costs of the opposition; and if the security so required is not given within the said two months, the opposition shall lapse.

(3.) Where such notice and such security, if required, is given, the Registrar shall give notice of the opposition to the applicant, and shall, at the expiration of the said two months after hearing the applicant and the person so giving notice if desirous of being heard, decide on the case but subject to appeal to the Attorney General.

(4.) The Attorney General shall on such appeal hear the applicant and any person so giving notice and being, in the opinion of the Attorney General, entitled to be heard in opposition to the grant, and shall determine whether the grant ought or ought not to be made.

(5.) The Attorney General may, if he think fit, obtain the assistance of an expert, who shall be paid such remuneration as the Attorney General shall determine.

(6.) The Attorney General or the Registrar, as the case may be, may after decision make such order as may be thought fit for the payment of costs by the applicant to the party giving notice or vice versa, and such order may be made a rule of Court on an application *ex parte*.

Patents Act.

12. Where an application for a patent has been abandoned or become void, the specification or specifications and drawings (if any) accompanying or left in connection with such application shall not at any time be open to public inspection or be published by the Registrar. Specifications &c., not to be published unless application accepted.

13. (1) If there be no opposition, or, in the case of opposition, if the determination is in favour of the grant of a patent, such patent shall be sealed with the public seal of the Island. Sealing of patent.

(2) A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of application except in the cases hereinafter mentioned that is to say,—

(a.) Where the sealing is delayed by an appeal to the Attorney General, or by opposition to the grant of the patent, the patent may be sealed at such time as the Attorney General may direct.

(b.) If the person making the application die before the expiration of the fifteen months aforesaid, the patent may be granted to his legal representative and sealed at any time within six months after the death of the applicant.

(c) Where the Registrar has extended the time for leaving or the time for accepting the complete specification or both such times, the total period of time so extended shall be added to the period of fifteen months above provided.

14. Every patent shall be in duplicate, and one duplicate shall be deposited in the Registrar's office, and every patent shall be dated and sealed as of the day of the application; provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification; provided also that, in case of more than one application for a patent for the same invention, the sealing of a patent on one of those applications shall not prevent the sealing of a patent on an earlier application. Dates of patent.

Provisional protection.

15. Where an application for a patent in respect of an invention has been accepted, the invention may during the period between the date of the application and the date of sealing such patent be used and published without prejudice to the patent to be granted for the same; and such protection from the consequences of use and publication is in this Act referred to as provisional protection. Provisional protection.

*Patents Act.**Protection by complete specification.*

Effect of
acceptance of
complete
specification.

16. After the acceptance of a complete specification, and until the date of sealing a patent in respect thereof or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification; provided that an applicant shall not be entitled to institute any proceeding for infringement, unless and until a patent for the invention has been granted to him.

Patent.

Granting of
Letters Patent
by Governor.

17. All Letters Patent for inventions under this Act shall be granted by the Governor in the name of His Majesty, under the public seal of the Island.

Power to grant
patents jointly,
though some
grantees are not
inventors.

18. A patent may be granted to several applicants jointly, although some or one of them only are or is the true and first inventors or inventor.

Extent of patent.

19. Every patent, when sealed, shall have effect throughout this Island.

Term of patent.

20. (1.) The term limited in every patent for the duration thereof shall be fourteen years from its date.

(2.) But every patent shall, notwithstanding anything therein or in this Act, cease if the patentee fail to make the prescribed payments within the prescribed times.

(3.) If nevertheless, in any case, by accident, mistake, or inadvertence, a patentee fail to make any prescribed payments within the prescribed time, he may apply to the Registrar for an enlargement of the time for making that payment.

(4.) Thereupon the Registrar shall, if satisfied that the failure has arisen from any of the above-mentioned causes, on receipt of the prescribed fee for enlargement not exceeding ten pounds, enlarge the time accordingly, subject to the following conditions:—

(a.) The time for making any payment shall not in any case be enlarged for more than six months.

(b.) If any proceeding shall be taken in respect to an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it shall think fit, refuse to award or give any damages in respect of such infringement.

Patents Act.

(5.) Should the Registrar refuse to enlarge the time for making such prescribed payments, the applicant may appeal from his decision to the Attorney General.

Amendment of specification.

21. (1.) An applicant or a patentee may, from time to time by request in writing left at the Registrar's office, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of such amendment and his reason for the same. Amendment of specification.

(2.) The request and the nature of such proposed amendment shall be advertised in the Official Gazette, and at any time within one month from its first advertisement any person may give notice at the Registrar's office of opposition to the amendment.

(3.) Where such notice is given, the Registrar shall give notice of the opposition to the person making the request, and shall hear and decide the case, subject to an appeal to the Attorney General.

(4.) The Attorney General shall, if required, hear the person making the request and the person so giving notice and being in the opinion of the Attorney General entitled to be heard in opposition to the request, and shall determine whether, and subject to what conditions, if any, the amendment ought to be allowed.

(5.) Where no notice of opposition is given, or the person so giving notice does not appear, the Registrar shall determine whether, and subject to what conditions, if any, the amendment ought to be allowed.

(6.) When leave to amend is refused by the Registrar, the person making the request may appeal from his decision to the Attorney General.

(7.) The Attorney General shall, if required, hear the person making the request and the Registrar, and may make an order determining whether, and subject to what conditions, if any, the amendment ought to be allowed.

(8.) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(9.) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except

Patents Act.

in case of fraud, and the amendment shall in all courts and for all purposes be deemed to form part of the specification.

(10.) The foregoing provisions of this section do not apply when and so long as any suit for infringement or proceeding for revocation of a patent is pending.

Power to disclaim part of invention during action, &c.

22. In a suit for infringement of a patent, and in a proceeding for revocation of a patent, the Court may order that the patentee shall, subject to such terms as to costs and otherwise as the Court may impose, be at liberty to apply at the Registrar's office for leave to amend his specification by way of disclaimer, and may direct that in the meantime the trial or hearing of the suit shall be postponed.

Restriction on recovery of damages.

23. Where an amendment by way of disclaimer, correction, or explanation has been allowed under this Act, no damages shall be given in any suit in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Advertisement of amendment.

24. Every amendment of a specification shall be advertised in the Official Gazette.

Compulsory licenses.

Power for Governor to order grant of licenses.

25. If on the petition of any person interested it be proved to the Governor-in-Executive Committee that by reason of the default of a patentee to grant licenses on reasonable terms—

(a.) The patent is not being worked in this Island, or

(b.) The reasonable requirements of the public with respect to the invention cannot be supplied, or

(c.) Any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Governor-in-Executive Committee may order the patentee to grant licenses on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor-in-Executive Committee, having regard to the nature of the invention and the circumstances of the case, may deem just, and any such order may on application to the Court be enforced by mandamus.

*Patents Act.**Register of Patents.*

26. (1) There shall be kept at the Registrar's office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notification of assignments and of transmissions of patents, of licenses under patents, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may from time to time be prescribed. Register of Patents.

(2) The Register of Patents shall be prima facie evidence of any matters by this Act directed or authorised to be inserted therein.

(3) Copies of deeds, licenses, and any other documents affecting the proprietorship in any letters patent or in any license thereunder, must be supplied to the Registrar in the prescribed manner for filing in his office.

Fees.

27. There shall be paid, in respect of the several matters and things described in the second schedule to this Act, the fees in that schedule mentioned; and such fees shall be levied and paid to the credit of the general revenue of the Island. Fees in schedule.

Extension of term of patent.

28. (1) A patentee may, after advertising in manner directed by any rules made under this section his intention to do so, present a petition to the Governor-in-Executive Committee praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent. Extension of term of patent on petition to the Governor-in-Executive Committee.

(2) Any person may enter a caveat, addressed to the clerk of the Executive Committee at the office of the Colonial Secretary, against the extension.

(3) If the Governor-in-Executive Committee shall be pleased to refer any such petition to the Court, the Court shall proceed to consider the same, and the petitioner and any person who has entered a caveat shall be entitled to be heard by himself or by counsel on the petition.

(4) The Court shall in considering its decision have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

Patents Act.

(5) If the Court report that the patentee has been inadequately remunerated by his patent, it shall be lawful for the Governor-in-Executive Committee to extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years; or to order the grant of a new patent for the term therein mentioned, and containing any restrictions, conditions, and provisions that the Court may think fit.

(6) It shall be lawful for the Governor-in-Executive Committee to make rules of procedure and practice for regulating proceedings on such petitions, and from time to time to rescind, alter, or vary any such rules, and subject thereto such proceedings shall be regulated according to the existing procedure and practice relating to pleadings in the Court.

(7) The costs of all parties of and incident to such proceedings shall be in the discretion of the Court; and the orders of the Court respecting costs shall be enforceable in like manner as other orders of the Court.

Revocation.

Revocation of
patent.

29. (1) No proceeding by *scire facias* to repeal a patent shall be taken.

(2) Revocation of a patent may be obtained on petition to the Court.

(3) Every ground on which a patent might, at the commencement of this Act, be repealed by *scire facias* shall be available by way of defence to any suit for infringement, and shall also be a ground of revocation.

(4) A petition for revocation of a patent may be presented by—

- (a) The Attorney General;
- (b) Any person authorised by the Attorney General;
- (c) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims:

(d) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee:

(e) Any person alleging that he or any person under or through whom he claims an interest in any trade, business, or manufacture had publicly manufactured, used,

Patents Act.

or sold, within this Island, before the date of the patent, anything claimed by the patentee as his invention.

(5.) The plaintiff must deliver with his petition particulars of the objections on which he means to rely; and no evidence shall, except by leave of the Court, be admitted in proof of any objection of which particulars are not so delivered.

(6.) Particulars delivered may be from time to time amended by leave of the Court.

(7.) The defendant shall be entitled to begin and give evidence in support of the patent; and if the plaintiff give evidence impeaching the validity of the patent, the defendant shall be entitled to reply.

(8.) Where a patent has been revoked on the ground of fraud, the Registrar may, on the application of the true inventor made in accordance with the provisions of this Act, grant to him a patent in lieu of and bearing the same date as the date of revocation of the patent so revoked, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

Crown.

30. A patent shall have to all intents the like effect as Patent to bind against His Majesty the King, his heirs and successors, as it Crown. has against a subject, excepting always that the Governor-in-Executive Committee may at any time after the application use the invention for the services of the Island, on terms to be before or after the use thereof agreed on between the Governor-in-Executive Committee and the patentee, or, in default of such agreement, on such terms as may be settled by the Court after hearing all parties interested.

Legal proceedings.

31. (1.) In a suit or proceeding for infringement or Hearing with revocation of a patent, the Court may, if it think fit, or on assessors. the request of either of the parties to the proceeding, call in the aid of an assessor specially qualified, and try and hear the case wholly or partially with his assistance.

(2.) The remuneration, if any, to be paid to an assessor under this section shall be determined by the Court and be paid in the same manner as the other expenses of the execution of this Act.

Patents Act.

Delivery of particulars.

32. (1.) In a suit for infringement of a patent the plaintiff must deliver with his bill of complaint, or by order of the Court at any subsequent time, particulars of the breaches complained of.

(2.) The defendant must deliver with his answer, or by order of the Court at any subsequent time, particulars of any objections on which he relies in support thereof.

(3.) If the defendant dispute the validity of the patent, the particulars delivered by him must state on what grounds he disputes it, and if one of those grounds is want of novelty must state the time and place of the previous publication or user alleged by him.

(4.) At the hearing no evidence shall, except by leave of the Court, be admitted in proof of any alleged infringement or objection of which particulars are not so delivered.

(5.) Particulars delivered may be from time to time amended by leave of the Court.

(6.) On taxation of costs regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be allowed any costs in respect of any particular delivered by them, unless the same is certified by the Court to have been proved or to have been reasonable and proper, without regard to the general costs of the case.

Order for inspection, &c., in action.

33. In a suit for infringement of a patent, the Court may, on the application of either party, make such order for an injunction, inspection, or account, and impose such terms and give such directions respecting the same and the proceedings thereon, as the Court may see fit.

Certificate of validity questioned, and costs thereon.

34. In a suit for infringement of a patent, the Court may certify that the validity of the patent came in question; and if the Court so certify, then in any subsequent suit for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor and client, unless the Court trying the action certifies that he ought not to have the same.

Remedy in case of groundless threats of legal proceedings.

35 Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise threatens any other person with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of the invention, any person or persons aggrieved thereby may bring an action against him, and may obtain

Patents Act.

an injunction against the continuance of such threats, and may recover such damage (if any) as may have been sustained thereby, if the alleged manufacture, use, sale, or purchase to which the threats related was not in fact an infringement of any legal rights of the person making such threats; provided that this section shall not apply if the person making such threats with due diligence commence and prosecute an action for infringement of his patent.

Miscellaneous.

36. It shall be lawful for the Registrar, with the sanction of the Governor, to license fit and proper persons to be patent agents for transacting business under the provisions of this Act, and, upon proof to the Registrar's satisfaction of the malfeasance or incapacity of any such licensed patent agent, or on non-payment of any annual fee for any such license, as prescribed by the second schedule hereto, and with such sanction as aforesaid, to revoke any such license. Licensed patent agents.

37. Every patent may be in the form in the first schedule to this Act, and shall be granted for one invention only, but may contain more than one claim; but it shall not be competent for any person in a suit or other proceeding to take any objection to a patent on the ground that it comprises more than one invention. Patent for one invention only.

38. (1.) If a person possessed of an invention for which he is entitled to obtain a patent die without making application for a patent for the invention, application may be made by, and a patent for the invention granted to, the legal representative of the inventor. Patent on application of representative of deceased inventor.

(2.) Every such application must be made within six months of the decease of such person, and must contain a declaration by the legal representative that he believes such person to be the true and first inventor of the invention.

39. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection. Patent to first inventor not invalidated by application in fraud of him.

40. A patentee may assign his patent for the whole of the Island or any place in or any part thereof. Assignment of patent for particular place.

41. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Loss or destruction of patent.

Patents Act.

Registrar, the Registrar may at any time cause a triplicate thereof to be sealed and delivered to the person entitled thereto.

Witnesses may be summoned.

42. For the purpose of any application or opposition or other matters requiring the decision of the Registrar or the Attorney General, they or either of them may, and at the request of any party to be heard shall, cause summonses under the seal of the Court to be issued for the attendance of witnesses, and may examine witnesses on oath and administer oaths for that purpose under this Act, and every witness so summoned shall be bound to attend at the time and place mentioned in such summons and shall be paid his expenses according to the scale for the time being allowed to witnesses on trials in the Court, and shall continue in attendance until the matter shall have been disposed of, and produce any document in his power, possession, custody, or control which he shall by such summons be required to produce.

Proceedings and costs before Attorney General.

43. The Attorney General may from time to time make, alter, and rescind rules regulating references and appeals to the Attorney General and the practice and procedure before him under this Act; and, in any proceeding before the Attorney General under this Act, he may order costs to be paid by either party and any such order may be made a rule of the Court.

Exhibition at industrial or international exhibition not to prejudice patent rights.

44. The exhibition of an invention at an industrial or international exhibition, whether within or without His Majesty's Dominions certified as such under the hand of the Registrar, or the publication of any description of the invention, during the period of the holding of the exhibition, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention or the validity of any patent granted on the application, provided that both the following conditions are complied with, namely :

(a.) The exhibitor must, before exhibiting the invention, give the Registrar the prescribed notice of his intention to do so; and

(b.) The application for a patent must be made before or within six months from date of the opening of the exhibition.

Patents Act.

45. Where the invention is one which admits of being represented by a model, the Registrar may require the patentee at his own expense to furnish him with a model of the invention. Power to require models on payment.

46. (1.) The inventor of any improvement in instruments or munitions of war, his executors, administrators, or assigns (who are in this section comprised in the expression the inventor) may (either for or without valuable consideration) assign to the Colonial Secretary, on behalf of His Majesty, all the benefit of the invention and of any patent obtained or to be obtained for the same; and the Colonial Secretary may be a party to the assignment. Assignment to Colonial Secretary of certain inventions.

(2) The assignment shall effectually vest the benefit of the invention and patent in the Colonial Secretary, on behalf of His Majesty, and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual (notwithstanding any want of valuable consideration) and may be enforced accordingly by the Colonial Secretary for the time being.

(3.) Where any such assignment has been made to the Colonial Secretary, he may at any time before the application for a patent for the invention, or before publication of the specification or specifications, certify to the Registrar his opinion that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

(4.) If the Colonial Secretary so certify, the application and specification or specifications, with the drawing (if any), and any amendment of the specification or specifications, and any copies of such documents and drawings, shall, instead of being left in the ordinary manner at the Registrar's office, be delivered to the Registrar in a packet sealed by authority of the Colonial Secretary.

(5.) Such packet shall, until the expiration of the term or extended term during which a patent for the invention may be in force, be kept sealed by the Registrar, and shall not be opened save under the authority of an order of the Colonial Secretary.

(6.) Such sealed packet shall be delivered at any time during the continuance of the patent to any person authorised by writing under the hand of the Colonial Secretary to receive the same, and shall, if returned to the Registrar, be again kept sealed by him.

(7.) On the expiration of the term or extended term

Patents Act.

of the patent, such sealed packet shall be delivered to any person authorised by writing under the hand of the Colonial Secretary to receive it.

(8.) Where the Colonial Secretary certifies as aforesaid after an application for a patent has been left at the Registrar's office, but before the publication of the specification the application, specification, or specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the Registrar, and such packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Colonial Secretary.

(9.) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which the Colonial Secretary has certified as aforesaid.

(10.) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but save as in this section otherwise directed the provisions of this Act shall apply in respect of any such invention and patent as aforesaid.

(11.) The Colonial Secretary may at any time by writing under his hand, waive the benefit of this section with respect to any particular invention, and the specifications, documents, and drawings shall be thenceforth kept and dealt with in the ordinary way.

(12.) The communication of any invention for any improvement in instruments or munitions of war to the Colonial Secretary or to any person or person authorised by him, with the sanction of the Governor, to investigate the same or the merits thereof, shall not, nor shall anything done for the purpose of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same.

Holder or assignee of patents obtained in other countries may obtain letters of registration.

47. It shall be lawful for the Governor in his discretion, on the application of any person being the holder or assignee of any patent granted or issued in Great Britain, or any other country for any new discovery or invention, and upon such proof as the Governor may deem sufficient that such person is the bona fide holder or assignee of the said patent, and that the same is in full force, and upon payment to the Colonial Treasurer of the sum of five pounds five shillings, to grant letters of Registration under the public seal of the Island to the holder of such patent as aforesaid or his assignee, and such letters of registration shall be deposited

Patents Act.

in the Registrar's office, and shall be deemed to be letters patent issued under this Act for such invention or improvement, and shall have the same force and effect as letters patent issued thereunder; and all the provisions of this Act shall apply to such letters of registration in the same way *mutatis mutandis*, and as fully as to letters patent or an instrument in the nature of letters patent issued under this Act.

48. (1.) If His Majesty is pleased, by Order in Council, to apply the provisions of section one hundred and three of the Imperial Act, entitled "The Patents, Designs, and Trade Marks Act, 1883," to the Island, then any person who has applied for protection for any invention in England, or in any foreign state, with the Government of which His Majesty has made an arrangement under the said section for mutual protection of inventions, shall be entitled to a patent for his invention under this Act in priority to other applicants; and such patent shall take effect from the same date as the date of the application in England, or such foreign state (as the case may be).

Intercolonial arrangements for protection of inventions.

(2.) Such application shall be made within twelve months from such person applying for protection in England or the foreign state with which the arrangement is in force.

Duration of protection.

(3.) Nothing in this section contained shall entitle the patentee to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification in the Island.

Nothing to be deemed infringement &c.

(4.) The publication in the Island during the respective periods aforesaid of any description of the invention, or the use therein during such periods of the invention, shall not invalidate the patent granted for the invention.

Use within certain periods not to invalidate grant of patent.

(5.) The application for the grant of a patent under this section shall be made in the same manner as an ordinary application under this Act.

Manner for applying for grant of patent.

(6.) An application under this section shall be accompanied by a complete specification which if it be not accepted within the period of twelve months shall with the drawings (if any) be open to public inspection at the expiration of that period.

Specification not accepted within 12 months open to inspection.

(7.) The provisions of this section shall, in the case of foreign States, apply only in the case of those foreign States with respect to which His Majesty from time to time by Order in Council declares the provisions of the aforesaid section one hundred and three of the said recited Im-

Application of this section to foreign States.

Patents Act.

perial Act to be applicable, and so long only in the case of each State as such Order continues in force with respect to that State.

Provision for
intercolonial & e.
arrangements.

49. (1.) Whenever it appears to the Governor-in-Executive Committee that the Legislature of any British Possession has made satisfactory provision for the protection in such Possession of inventions patented in this Island, the Governor-in-Executive Committee may by Order apply all or any of the provisions of the last preceding section relating to the protection of inventions patented in England, with such variations or additions (if any) as to the Governor-in-Executive Committee may seem fit, to inventions patented in such British Possession.

Date when
order to take
effect.

(2.) An Order in Executive Committee under this section shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Act; but the Governor-in-Executive Committee may revoke any such Order.

Governor may
make
regulations.

50. The Governor-in-Executive Committee may make regulations for carrying into effect the provisions of this Act, and for regulating the amount, collection, and disposal of the fees in the schedules hereto, and may also from time to time rescind, alter, or vary any such regulations. All such regulations shall, upon publication in the Official Gazette, be in force and effect; provided that no such regulation regulating the amount, collection, and disposal of the fees shall be deemed binding until the same shall have been approved of by the Legislature, and until such regulations be made the fees in the schedule of this Act contained shall be the fees payable in respect of the matters to which they are respectively applicable.

Saving of
prerogative.

51. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent or to the withholding of a grant thereof.

THE FIRST SCHEDULE (SECTION 5.)

FORMS OF APPLICATION, ETC.

FORM A.

Form of Application for Patent.

(a) Here insert
name, address,

I (a)

of
do solemnly and sincerely declare that I

Patents Act.

am in possession of an invention for (b) that and calling of
 I am the true and first inventor thereof ; and that the same inventor.
 is not in use by any other person or persons to the best of (b) Here insert.
 my knowledge and belief ; and humbly pray that a patent title of
 may be granted to me for the said invention. invention.

And I make the above solemn declaration conscientiously believing the same to be true, etc.

Declared at _____ in _____ (c) this day of _____ (c) Signature of
 _____ (d) _____ (d) Signature
 Registrar. of the
 officer before
 whom the

[NOTE.—This declaration must be accompanied by the statement of declaration is
 an address in the Island of Barbados for the reception of all notices and made.
 other communications with respect to the application or invention.]

FORM B.

Form of Provisional Specification.

I, (b) _____ of _____ in _____ (a) Here insert
 do hereby declare the nature of my invention title as in
 for _____ to be as follows (c) :— (b) Here insert
 _____ (d) name, address,
 Date: this _____ day of _____, 19 _____ and calling of
 _____ inventor as in
 _____ (c) Here insert
 _____ short description
 _____ of invention.
 _____ (d) Signature of
 _____ inventor.

FORM C.

Form of Complete Specification.

I, (b) _____ of _____ in _____ (a) Here insert
 do hereby declare that the nature of my inven- title as in
 tion for _____ and in what manner the same is to be declaration.
 performed, to be particularly described and ascertained in (b) Here insert
 and by the following statement (c) :— name, address,
 _____ and calling of
 _____ inventor as in
 _____ declaration.
 _____ (c) Here insert
 _____ full description
 _____ of invention.
 _____ (d) Here state
 _____ distinctly the
 _____ features of
 _____ novelty claimed.

Having now particularly described and ascertained the nature of my said invention, and in what manner the same is to be performed, I declare that what I claim is (d)

- 1.
- 2.
3. &c.,

Dated this _____ day of _____ 19 _____ (e). (e) Signature of
 _____ inventor.

Patents Act.

FORM D.

Form of Patent.

[L.S.] By His Excellency (*Here insert the name of the Governor*) Governor and Commander-in-Chief of the Island of Barbados and its dependencies: To all to whom these Presents shall come greeting ;

Whereas _____ of _____ in _____, hath by his solemn declaration represented unto me that he is in possession of an invention for _____ that he is the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief :

And whereas the said inventor hath humbly prayed that I would be pleased to grant unto him (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) Letters Patent in the name of His Majesty for the sole use and advantage of his said invention within the Island of Barbados :

And whereas the said inventor hath by and in his complete specification particularly described the nature of his invention :

Know ye, therefore, that I, in the name and on behalf of His Majesty, do by these presents give and grant unto the said patentee my especial license, full power, sole privilege and authority, that he the said patentee by himself, his agent, or licensee, and no others, may at all times hereafter, during the term of years herein mentioned, make, use, exercise, and vend the said invention within

_____ in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of fourteen years from the date hereunder written of these presents : and to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, I do by these presents require and strictly command all and every person and persons, bodies politic and corporate, and all others of what estate, quality, degree, name or condition soever they be within this Island that they do not at any time during the continuance of the said term of fourteen years, either directly or indirectly, make use of or put in practice the said invention or any part of

Patents Act.

the same, nor in any wise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, license, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt and of being answerable to the said patentee according to law for his damages thereby occasioned: Provided always and these letters patent are on this condition that if at any time during the said term it be made to appear to the Court of Chancery that this grant is contrary to law, or prejudicial or inconvenient to His Majesty's subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof, or that the said patentee is not the first and true inventor thereof within this Island as aforesaid, these letters patent shall forthwith determine, and be void to all intents and purposes, notwithstanding anything hereinbefore contained: Provided also that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these Letters Patent, or in respect of any matter relating thereto at the time or times and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for His Majesty's service in this Island, all such articles of the said invention as may be required by the officers administering any department of His Majesty's service in this Island, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled for that purpose by the Governor of this Island, then, and in any of the said cases, these Letters Patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: and lastly, I do by these presents, in the name and on behalf of His Majesty grant, unto the said patentee that these Letters Patent shall be construed in the most beneficial sense for the advantage of the said patentee. In witness whereof I have caused these letters to be made patent this

	day of	one thousand nine
hundred and	and to be sealed	and dated as of the said
	day of	one thousand nine
hundred and	in the	year of His Majesty's
Reign.		

Patents Act.

THE SECOND SCHEDULE (SECTION 27.)

Fees to be paid in respect of the several matters hereunder specified.—

	£.	s.	d.
For every application for a patent accompanied by a provisional specification only	1	10	0
Examiner's fee on reference of application with provisional specification, not exceeding	3	3	0
For every application for a patent accompanied by a complete specification ...	4	0	0
On filing complete specification after provisional specification	2	10	0
Examiner's fee on reference of complete specification, not exceeding	3	3	0
On extending the time for leaving complete specification	0	5	0
On extending the time for acceptance of complete specification	0	5	0
On every patent before the expiration of four years from its date	50	0	0
And further before the expiration of seven years	100	0	0
Or in lieu of the fees of £50 and £100 the following annual fees before the expiration of the fourth year from the date of the patent	10	0	0
” ” ” fifth ” ”	10	0	0
” ” ” sixth ” ”	10	0	0
” ” ” seventh ” ”	10	0	0
” ” ” eighth ” ”	15	0	0
” ” ” ninth ” ”	15	0	0
” ” ” tenth ” ”	20	0	0
” ” ” eleventh ” ”	20	0	0
” ” ” twelfth ” ”	20	0	0
” ” ” thirteenth ” ”	20	0	0
On filing every amended or substituted specification	1	0	0
On notice of opposition to grant of patent	0	10	0
On every summons to witness	0	5	0
On hearing of every opposed application...	1	0	0
On extension of patent	20	0	0
On filing every disclaimer or memorandum of alteration	1	10	0

Patents Act.

	£	s.	d.
For every office copy (including the seal) per folio of seventy two words ...	0	0	6
On filing every certificate voiding a patent	0	5	0
On deposit of any assignment, deed, license, or other document affecting proprie- torship of patent	2	0	0
On delivering triplicate patent after loss, etc.	2	0	0
On every search, including inspection ...	0	2	6
Annual fees for license to patent agent (not being a registered solicitor) ...	1	0	0
Annual fees for license to patent agent (being a registered solicitor)	0	10	0
Certified copies of extracts under seal, at per folio	0	1	0
For every matter or thing not above pro- vided for	0	5	0

An Act to establish a Bankruptcy Law.

[11 November 1903.]

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Bankruptcy Act, 1903. Short title.

2. In this Act, unless the context otherwise requires, Interpretation
of terms.
“the Court” means the Court of Common Pleas of this
Island and includes the Chief Justice sitting in chambers in
matters of bankruptcy;

“the Official Assignee” means the officer appointed to
that office as hereinafter mentioned or any person appointed
to act for him;

“creditor” includes any two or more persons to whom a
debt is owing jointly and also any incorporated joint stock
company;

“gazetted” means published in the Official Gazette and
in one of the newspapers of this Island, and “Gazette”
means the Official Gazette;

“person” includes a body corporate and a firm;

“bankruptcy petition” or “petition” means a petition

Bankruptcy Act.

praying that the affairs of the debtor may be wound up and his property administered under the provisions of this Act ;

“ property ” means and includes money or securities for money, goods, choses in action, land and every description of property, real or personal, also obligations, easements, and every description of estate, interest, and profit, present or future, vested or contingent, arising out of or incident to property as above defined ;

“ secured creditor ” means any person holding a mortgage, judgment (other than a general judgment), charge or lien, upon certain specified property of the debtor as security for a debt due to him from such debtor ;

“ prescribed ” means prescribed by rules of court ;

“ rules of court ” means such rules and orders of court in relation to bankruptcy proceedings as may be made pursuant to this Act including forms ;

“ undervalue ” means any price less than the market price for stock of the same quality and description by more than eight per cent.

The Official Assignee &c.

Appointment of
Official Assignee.

3. (1.) The Governor may from time to time appoint some fit and proper person to be the Official Assignee for the purposes of this Act.

(2.) No proceedings pending on a change of the person discharging the duties of the office of Official Assignee shall be affected by such change but may be continued by and against the person for the time being discharging such duties without suggestion, revival, or other similar proceeding.

Bond to be
entered into by
him.

4. Before assuming the duties of his office the Official Assignee shall enter into bond in favour of His Majesty, his heirs and successors, in the sum of one thousand pounds for the true and faithful performance of his duties and for the due accounting for and paying over of all property which shall come into his possession. The Governor may from time to time increase the amount of the security to be given by the Official Assignee to whatever sum he shall think fit.

Responsible for
his servants, &c.

5. The Official Assignee shall be personally responsible for the honesty and fidelity of every servant or other person whom he may deem it necessary to employ in the execution of the duties of his office.

Bankruptcy Act.

6. (1.) The Official Assignee shall be paid the annual salary of four hundred pounds. Salary of Official Assignee.

(2.) The clerk to the Official Assignee, to be appointed by the Governor, shall be paid the annual salary of sixty pounds. Salary of clerk.

(3.) A messenger to the Official Assignee, to be appointed by him, shall be paid the annual salary of fifteen pounds. Salary of messenger.

(4.) The salaries mentioned in the three preceding subsections shall be paid out of the Public Treasury on the warrant of the Governor-in-Executive Committee by equal monthly instalments. Salaries how payable.

(5.) The cost of all books and stationery required by the Official Assignee shall be borne by the Public Treasury. Stationery, &c.

7. (1.) The Official Assignee shall receive a commission of five per centum of the gross sums of money which shall come into his hands in respect of real and personal estate, save and except in the case of any book debt not exceeding fifty pounds, for collecting which he shall receive a commission of ten per cent on the amount of such debt. Such commissions shall be paid by him into the Public Treasury to the credit of the general revenue at the end of each quarter. A full, accurate, and detailed account of all such commissions received shall be kept by the Official Assignee, and the said account and all books of the Official Assignee's office relating thereto shall be examined and audited quarterly by the Auditor General. Commission to be received by Official Assignee and paid into Treasury.

(2.) The Official Assignee shall be entitled to recover, as a first charge on every estate or the proceeds thereof, all auctioneer's fees and charges and any expenses paid by him in and about the realization of any estate.

8. The Official Assignee shall have his office in the city of Bridgetown, and he shall be in attendance thereat by himself or deputy between the hours of ten and four o'clock daily on such days as the other public offices of the Island are open to the public. Office and office hours.

9. Whenever the Official Assignee shall have obtained leave of absence from the performance of the duties of the said office, and some person shall have been appointed to perform the same, either by the Governor or by the Official Assignee with the approval of the Governor, the person so appointed shall be termed the acting Official Assignee, and shall have all the rights, powers, and authority, and perform all the duties, appertaining to the said office of Official Assignee. Leave of absence and appointment of an acting Official Assignee.

Bankruptcy Act.

Assignee of this Island, in the same manner and as fully and amply and effectually as if he were the Official Assignee; and during such acting appointment, but not longer, all the property of the bankrupt whether present or in expectancy vested in the Official Assignee shall without any conveyance or assignment whatsoever become and be vested in the acting Official Assignee for the benefit of all and every the creditors of such bankrupt, to be held and disposed of for the purpose and according to the true intent of this Act; and on such acting appointment terminating, all such property of the bankrupt as aforesaid shall forthwith, without any conveyance or assignment whatever, revert in the Official Assignee.

Bond to be given
by acting Official
Assignee.

10. Such acting Official Assignee shall give bond to His Majesty the King, his heirs and successors, in the sum of one thousand pounds for the faithful and due discharge of the duties of his office as in the case of the Official Assignee himself.

Amalgamation.

11. The present Official Assignee shall undertake the duties of any other office which may hereafter be amalgamated with the office of Official Assignee, and for such additional remuneration as the Legislature may determine.

Future
appointment.

12. When the office of Official Assignee next becomes vacant, no permanent appointment to the office shall be made till an Act has been passed dealing with the office.

*Proceedings by bankruptcy petition.**Presentation of petition.*

Who may be
petitioning
creditors and
what are acts
of bankruptcy.

13. A single creditor, or two or more creditors, if the debt owing to such single creditor, or the aggregate amount of debts owing to such several creditors from any debtor amounts to a sum of not less than fifty pounds, may present a bankruptcy petition to the court against a debtor alleging as the grounds of the petition any one or more of the following acts or defaults in this Act deemed to be and included under the expression "acts of bankruptcy;"

(1) that the debtor has in this Island or elsewhere made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally, or has executed any other instrument whereby his property is made available for general distribution amongst his creditors;

Bankruptcy Act.

(2) that the debtor has in this Island or elsewhere made a fraudulent conveyance, gift, delivery, or transfer of his property, or any part thereof, or permitted a judgment to be entered up against him for a debt not due or for any one or more debts in preference to others, or procured his property to be attached or taken in execution ;

(3) that the debtor has with intent to defeat or delay his creditors done any of the following things, namely :— has departed out of this Island ; or being out of this Island has remained out of this Island ; or has departed from his dwelling-house or otherwise absented himself ; or has begun to keep his house ; or has begun to sell his stock-in-trade at an undervalue ;

(4) that the debtor has

(a) given notice to any of his creditors that he has suspended or is about to suspend payment of his debts ; or

(b) by any act declared himself unable to meet his engagements ;

(5) that the debtor has presented a bankruptcy petition against himself ;

(6) that execution or any other legal process for the obtaining payment of any sum of money has been levied by seizure of the goods of the debtor, and the goods seized have been either sold or held for twenty one days ;

(7) that the creditor presenting the petition has obtained final judgment against the debtor in an action in the Court for a sum of not less than fifty pounds, and, execution thereon not having been stayed, has served on the debtor in this Island a bankruptcy notice in writing requiring him to pay the amount for which such judgment has been obtained, in accordance with the terms of the judgment, and the debtor has not, after the service of such notice, paid such amount or secured or compounded for the same to the satisfaction of the creditor ;

(8) that the creditor presenting the petition, having a demand against the debtor of not less than fifty pounds upon a negotiable security for money upon which the debtor was primarily liable upon which payment was overdue, has served on the debtor in this Island a bankruptcy notice in writing requiring him to pay the amount of such debt and that the debtor has not, after the service of such notice, paid such amount or secured or compounded for the same to the satisfaction of the creditor ;

Bankruptcy Act.

(9) that the debtor has paid money to or given or delivered any satisfaction or security for the debt of a petitioning creditor or any part thereof after such creditor has presented a bankruptcy petition against him ;

provided in the case of any of the above-mentioned acts of bankruptcy ;

(a) that the alleged act of bankruptcy must have occurred within six months before the presentation of the petition ; and

(b) that the debt of the petitioning creditor must be a liquidated sum due or growing due at law or in equity, and he must not be a secured creditor in respect of such debt, unless the petitioner states in his petition that he will be ready to give up such security for the benefit of the creditors in the event of an order being made, or unless the petitioner gives an estimate of the value of the security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same manner as if he were an unsecured creditor.

Who may be
adjudged
bankrupt.

14. Any debtor, whether trader or not, against whom proceedings can be legally taken in this Island for the recovery of a debt shall be liable to be adjudged a bankrupt in the manner in this Act provided.

Debtor's petition
against himself.

15. A debtor may present a bankruptcy petition against himself, and such petition shall allege that he is unable to pay his debts and shall be verified on oath by him.

Verification of allegations of petition.

Affidavit verify-
ing petition.

16. Every petition shall be accompanied by an affidavit of the petitioner verifying the statements contained in such petition.

Bankrupt's
statement of
affairs.

17. (1) On an order for bankruptcy being made against a debtor, the Official Assignee shall at once inform him of the fact, and the bankrupt shall make out and deliver to the Official Assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the bankrupt's assets, debts, and liabilities, the names, residences, and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the Official Assignee may require.

Bankruptcy Act.

(2) The statement shall be so submitted within the following times, namely :

(a.) if the order is made on the petition of the debtor, within three days from the date of the order :

(b.) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may in either case for special reasons extend the time.

(3.) Any creditor of the bankrupt may personally, or by agent, inspect this statement at all reasonable times and take any copy thereof, or extract therefrom, free of charge.

Parties to proceedings under petition.

18. A company or other body incorporated or authorized to sue may present a petition and act in any proceedings thereon by an agent duly authorized on its behalf. Company may proceed by agent.

19. Any two or more persons being partners may take proceedings or be proceeded against under this Act in the name of their firm, but in such case the Court may on the application of any person interested order the names of the persons who are partners in such firm to be disclosed in such manner and verified on oath or otherwise as the Court may direct. Mode of naming firm.

20. An order under this Act shall not be made against any partnership, association, or company incorporated or registered under the Industrial and Provident Societies Act 1888, the Building Societies Act 1889, the Friendly Societies Act 1905, or the Companies Act 1910. Special provisions as to certain companies &c.

Consolidation &c. of proceedings under petition.

21. (1.) When a petition is presented against a member of a partnership whilst bankruptcy proceedings are pending on a petition against another member of the said partnership, the Court may give such directions for consolidating the proceedings under the petitions as it thinks just. Consolidation of petitions.

(2.) Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them upon such terms as the court thinks fit.

22. The Court may at any time for such cause as it thinks sufficient make an order staying proceedings under a petition either altogether or for a limited time on such terms and subject to such conditions as the Court thinks just. Staying proceedings.

Bankruptcy Act.

Adjourning and dismissing petition.

23. The Court may adjourn any petition either conditionally or unconditionally for the procurement of further evidence or for any other just cause or may dismiss the petition with or without costs as it thinks just.

Substitution of another petitioner in case of delay.

24. When a petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor.

Continuation of proceedings on debtor's death.

25. When a debtor by or against whom a petition has been presented dies, the proceedings shall be continued as if he were alive.

Proceedings under petition for bankruptcy.

Order of bankruptcy.

26. The Court on being satisfied that such debtor ought to be adjudicated a bankrupt shall make an order of bankruptcy against him accordingly.

Adjudication to be gazetted and court to hold a public sitting for debtor's examination.

27. (1.) When an order for bankruptcy has been made against a debtor, the Court shall direct the adjudication to be gazetted and shall hold a public sitting on a day to be named for the purpose of examining into the affairs of the bankrupt, and the bankrupt shall attend at such sitting and shall be examined by the Official Assignee or any creditor who has tendered a proof as to his conduct, dealings, and property; and the Official Assignee shall attend such sitting and submit for the information of the Court a statement of the affairs of the bankrupt with any observations he may choose to make thereon.

(2.) The sitting may be adjourned as often as the Court thinks fit, and the bankrupt shall attend at each adjourned sitting.

(3.) The Court may at such sitting take such evidence as it thinks necessary, and such evidence as may be tendered by the creditors, the Official Assignee, or the bankrupt, or any of them.

(4.) For the purposes of the examination the Court may take evidence *vivâ voce* or by affidavit or by interrogatories or by commission as it thinks fit.

(5.) The Court may put such questions to the debtor as it may think fit.

(6.) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court

Bankruptcy Act.

may put or allow to be put to him. Such notes of the examination as the Court thinks proper shall be taken down in writing and shall be read over to or by the debtor and signed by him and may thereafter be used in evidence against him. They shall also be open to the inspection of any creditor at all reasonable times.

(7.) When the debtor is a lunatic or suffers from any such mental or physical affliction or disability as in the opinion of the Court makes him unfit to attend his public examination, the Court may by order dispense with it or direct that the debtor be examined on such terms, in such manner, and at such place as to the Court seems expedient.

(8.) When the Court is satisfied that the bankrupt's affairs have been sufficiently investigated it may declare the examination finished.

(9.) The Court may in its discretion allow the costs and expenses incurred by the Official Assignee or by any creditor through the examination of the bankrupt, and also the costs and expenses of any creditor in opposing the discharge of or prosecuting any bankrupt, out of the estate of such bankrupt.

(10.) If the Official Assignee thinks proper, or if a majority in value of the creditors who have proved their claims so direct in writing, the Official Assignee shall prosecute the examination of the bankrupt, and for that purpose may obtain professional assistance or otherwise incur and pay all necessary costs and expenses out of the assets of the bankrupt.

28. When an order for bankruptcy has been made against a debtor, the real and personal estate and effects present and in expectancy of every such debtor shall, without any conveyance or assignment whatever, thereupon become absolutely vested in the Official Assignee, who shall proceed to administer the bankrupt's estate for the benefit of the creditors subject to the provisions of this Act.

Bankrupt's property to vest in the Official Assignee.

29. The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor, shall be deemed to have relation back to and to commence at the time of the act of bankruptcy being committed on which an order is made against him, or, if the bankrupt is found to have committed more acts of bankruptcy than one, to have relation back to and to commence at the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy

Relation back of Official Assignee's title.

Bankruptcy Act.

Application for discharge.

petition; but no bankruptcy petition or order of adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

*Discharge of bankrupt.**Granting of discharge.*

Consideration of application and dealing with the same.

30. (1) A bankrupt may at any time after being adjudged bankrupt apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open court.

(2) On the hearing of the application the Court shall take into consideration a report of the Official Assignee as to the bankrupt's conduct and affairs (including a report as to the bankrupt's conduct during the proceedings under his bankruptcy), and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt or with respect to his after-acquired property; provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any misdemeanour connected with his bankruptcy, unless for special reasons the Court otherwise determines, and shall on proof of any of the facts hereinafter mentioned, either

(i) refuse the discharge; or

(ii) suspend the discharge for a period of not less than two years; or

(iii) suspend the discharge until a dividend of not less than six shillings and eight pence in the pound has been paid to the creditors; or

(iv) require the bankrupt as a condition of his discharge to consent to judgment being entered against him by the Official Assignee for any balance or part of such a sum as will with the actual value of his assets or the value as estimated by the Official Assignee (who is hereby required to make such estimate) pay six shillings and eight pence in the pound to his creditors, such secured sum to be paid out of the future earnings or after-acquired property of the bankrupt in such manner and subject to such conditions as the Court may direct; but execution shall not be issued on the judgment without leave of the Court, which leave may be given on proof that the bankrupt has since

Bankruptcy Act.

his discharge acquired property or income available towards payment of his debts.

Provided that if at any time after the expiration of two years from the date of any order made under this section the bankrupt shall satisfy the court that there is no reasonable probability of his being in a position to comply with the terms of such order, the court may modify the terms of the order, or of any substituted order, in such manner and upon such conditions as it may think fit.

(3) The facts hereinbefore referred to are :—

(a) that the bankrupt's assets are not of a value equal to six shillings and eight pence in the pound on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to six shillings and eight pence in the pound on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held reponsible ;

(b) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy ;

(c) that the bankrupt has continued to trade after knowing himself to be insolvent ;

(d) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it

(e) that the bankrupt has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities ;

(f) that the bankrupt has brought on or contributed to his bankruptcy by rash and hazardous speculations or by unjustifiable extravagance in living or by gambling or by culpable neglect of his business affairs ;

(g) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him ;

(h) that the bankrupt has within three months preceding the date of the order of adjudication incurred unjustifiable expense by bringing a frivolous or vexatious action ;

(i) that the bankrupt has within three months preceding the date of the order of adjudication, when unable to pay his debts as they became due, given an undue preference to any of his creditors ;

Bankruptcy Act.

(j) that the bankrupt has within three months preceding the date of the order of adjudication incurred liabilities with a view of making his assets equal to six shillings and eight pence in the pound on the amount of his unsecured liabilities ;

(k) that the bankrupt has on any previous occasion been adjudged bankrupt or made a composition or arrangement with his creditors ;

(l) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4.) For the purposes of this section a bankrupt's assets shall be deemed of a value equal to six shillings and eight pence in the pound on the amount of his unsecured liabilities when the Court is satisfied that the property of the bankrupt has realized, or is likely to realize, or with due care in realization might have realized, an amount equal to six shillings and eight pence in the pound on his unsecured liabilities, and a report by the Official Assignee shall be prima facie evidence of the amount of such liabilities.

(5) For the purpose of this section the report of the Official Assignee shall be prima facie evidence of the statements therein contained.

(6) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the Official Assignee and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(7) The powers of suspending and of attaching conditions to a bankrupt's discharge may be exercised concurrently.

(8) A discharged bankrupt shall notwithstanding his discharge give such assistance as the Official Assignee may require in the realization and distribution of such of his property as is vested in the Official Assignee, and if he fails to do so he shall be guilty of a contempt of court ; and the Court may also, if it thinks fit, revoke his discharge but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done subsequent to the discharge but before its revocation.

Fraudulent settlements.

31. In either of the following cases, that is to say :—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is

Bankruptcy Act.

not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement ; or

- (2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife) ;

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant, or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge, or grant an order subject to conditions, or refuse to approve a composition or arrangement as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

Effect of discharge.

32. (1) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or breach of trust, nor from any debt or liability whereof he has obtained forbearance by any fraud, but it shall release the bankrupt from all other debts provable under the bankruptcy with the exception of these :—

(a) debts due to the Crown or to the Government of this Island ; and

(b) debts with which the bankrupt stands charged at the suit of the Crown, or of any public officer, or any other person, for any offence against any law relating to any branch of the public revenue, or at the suit of any public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence ; and he shall not be discharged from such excepted debts unless the Governor-in-Executive Committee certifies in writing his consent to his being discharged therefrom.

(2) An order of discharge shall not release any person who at the date of the order of adjudication was a partner with the bankrupt or was jointly bound or had made any joint contract with him.

33. An order of discharge shall be sufficient evidence of the bankruptcy and of the validity of the proceedings thereon ; and in any proceedings that may be instituted

Limitations of effect of order of discharge.

Pleading and evidence of order of discharge.

Bankruptcy Act.

against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by such order, the bankrupt may plead that the cause of action accrued before his discharge and may give this Act and the special matter in evidence.

Administration of bankrupt's estate.

Duties and powers of Official Assignee.

Official Assignee to admit proof.

General principle of administration.

34. The Official Assignee shall under the control of the Court administer the bankrupt's estate for the benefit of the creditors subject to the provisions of this Act.

Taking possession of debtor's property.

35. The Official Assignee shall as soon as possible after an adjudication of bankruptcy, but subject to the direction of the Court, take possession of all property and all books, papers, and documents of the bankrupt, and exercise such of the powers conferred on him by this Act as may be necessary for the purpose of protecting the rights of the creditors.

Recovery of debts due him.

36. The Official Assignee shall to the best of his power ascertain and recover all debts due to the bankrupt's estate.

Examination of books &c.

37. The Official Assignee shall examine and verify the books, papers, and vouchers relating to the bankrupt's estate.

All debts not exceeding £20 recoverable in the Bridgetown Petty Debt Court.

38. The Official Assignee shall be and is hereby authorized to sue for and recover all debts owing to the bankrupt's estate not exceeding twenty pounds in the Bridgetown Petty Debt Court notwithstanding that the cause of action may not have arisen within the jurisdiction of that Court, and notwithstanding that the debtors may reside beyond that jurisdiction, and so far as this provision is inconsistent with the Petty Debt Act, 1899, the same is hereby repealed.

Power of sale of debtor's property.

39. The Official Assignee may sell all or any part of the property of the bankrupt, including the goodwill of the business (if any) and the debts growing due to the bankrupt, by public auction or tender or private contract, and may transfer the whole thereof to any person or company, or sell the same in parcels, and accept as the consideration for such transfer or sale a sum to be paid or secured to be paid at such time not exceeding three months and in such manner as he thinks fit.

Power to bring or defend actions.

40. The Official Assignee may bring, institute, or defend any action or other legal proceeding relating to the property of the bankrupt,

Bankruptcy Act.

41. The Official Assignee may prove for, rank, claim, and draw dividends in respect of any debt due to the bankrupt. Power to prove for debts and draw dividends.

42. (1) The Official Assignee may refer any dispute to arbitration, compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, upon the receipt of such sums payable at such times and generally upon such terms as may be agreed upon. Power to arbitrate or compromise claims.

(2) He may make such compromise or other arrangement as may be thought expedient with creditors or persons claiming to be creditors in respect of any debts provable under the petition.

(3) He may make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt made or capable of being made on the Official Assignee by any person or by the Official Assignee on any person.

43. The Official Assignee may exercise any powers and discretion, the capacity to exercise which is vested in the Official Assignee under this Act, and may execute any powers of attorney, deeds, and other instruments for the purpose of carrying into effect the provisions of this Act. Power to exercise discretion and execute deeds.

44. The Official Assignee may deal with any property to which the bankrupt is beneficially entitled as tenant in tail in the same manner as the debtor might have dealt with the same. Power to bar entails.

45. The Official Assignee shall receive and decide on the proof of all debts due from the bankrupt's estate. Proof of debts owing by bankrupt.

46. The Official Assignee shall be deemed an accounting party to the Court, and shall be under the control and subject to the directions of the Court. Control of Official Assignee.

47. The Official Assignee may at any time apply to the Court for directions respecting his rights or duties with regard to the bankrupt's estate, or with regard to any matters arising out of the management or conduct of the estate; and in any case of his obtaining bona fide the direction of the Court or acting bona fide on such direction he shall be deemed so far as regards his own responsibility to have discharged his duty therein as Official Assignee with Official Assignee may apply to the Court for directions.

Bankruptcy Act.

regard to the matter in respect of which such direction is given.

Official Assignee to keep proper books.

48. (1) The Official Assignee shall keep proper books in which he shall from time to time make or cause to be made entries or minutes of such matters in relation to the bankrupt's estate as may be necessary or prescribed.

(2) Any creditor of the bankrupt may at any time during office hours personally or by his agent inspect such books.

Official Assignee to pay into bank money collected.

49. The Official Assignee shall pay all sums from time to time received by him in the course of the administration of the bankrupt's estate into the Colonial Bank to the credit of an account entitled "The Official Assignee" and may draw out money so deposited in the same manner as any other depositor for the purpose of administering such estate.

Periodical statements of Official Assignee.

50. The Official Assignee shall from time to time file in Court a statement showing the amounts received and disbursed by him.

Control of the Court over administration.

Responsibility of Official Assignee to the Court.

51. The Court shall examine all statements filed by the Official Assignee and may order the Official Assignee to account for any misfeasance, neglect, or omission, and to make good any loss which the estate of the bankrupt may have sustained by such misfeasance, neglect, or omission.

Court may examine him and his books.

52. The Court may at any time require the Official Assignee to answer any inquiry in relation to any matter in which he is engaged, and may examine him or any other person on oath concerning such matter, and may cause his books either generally or in relation to any particular estate to be examined by any person to be named by it.

Mode of compelling Official Assignee to do his duty.

- 53.** (1) If the Official Assignee at any time
- (a) improperly refuses, neglects, or delays to assume the management of any estate under this Act;
 - (b) improperly acts or omits to act in the management of any estate vested in or administered by him, or the duties of which he has entered upon;
 - (c) improperly refuses, neglects, or delays to pay forthwith the amount of any judgment, decree, or order recovered against him, or if he pays the amount of any such judgment, decree, or

Bankruptcy Act.

order out of any funds not properly liable to such payment ;

- (d) improperly acts or omits to act in any other matter with respect to any estate vested in or administered by him or with respect to any duty imposed upon him by this Act ;
- (e) gives reasonable ground to think that he is about improperly to act or to omit to act with respect to any of the matters as aforesaid ;

any person interested in such estate or matter may apply to the Court for an order requiring him to do or to refrain from doing the act in respect of which such person complains, and the Court may thereupon make such order as it thinks fit.

(2) Such order may direct that the Official Assignee shall pay out of his own pocket any sum of money required to compensate any person or estate for the consequences of any wrongful act or omission of the Official Assignee.

54. The bankrupt or any of the creditors or any other person if aggrieved by any act or decision or estimate of the Official Assignee may apply to the Court in respect thereof, and the Court may confirm, reverse, or vary the act complained of and may make such order in the matter as it thinks just, and may direct any question of fact or assessment of value or damage to be tried by a jury.

Appeal to the Court against any act of the Official Assignee.

55. Where the bankrupt refuses or neglects to do any act in reference to the recovery, sale, or transfer of or otherwise dealing with any property remaining in him under this Act in trust for his creditors, for forty eight hours after he has been required in writing by the Official Assignee to do the same, the Court may on the application of the Official Assignee by order authorize such act to be done in the name of the bankrupt, or otherwise by any person named in the order for that purpose ; and every act done by such person shall be as effectual for all purposes as if the bankrupt had done the same and shall not be revocable or impeachable by the bankrupt.

Court may authorize acts to be done in the name of the bankrupt.

*Distribution of bankrupt's property.**General provisions as to property of bankrupt.*

56. The property of the bankrupt divisible amongst his creditors and vesting in the Official Assignee, and in this Act referred to as the property of the bankrupt,

Description of property divisible and of that not divisible among creditors

Bankruptcy Act.

(1) shall comprise

(a) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy, or may be acquired by or devolve on him at any time previously to his discharge ;

(b) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of the bankruptcy or at any time previously to his discharge ;

(c) all goods and chattels being at the commencement of the bankruptcy in the possession, order, or disposition of the bankrupt by the permission of the true owner, of which goods and chattels the bankrupt is reputed owner, or of which he has taken upon himself the sale or disposition as owner ; provided that choses in action other than debts due or growing due to him shall not be deemed goods and chattels within the meaning of this section ; but

(2) shall not comprise

(a) property held by the bankrupt in trust for any other person than his creditors under this Act ;

(b) the tools, if any, of his trade, and the wearing apparel and bedding of himself, his wife, and children to a value (inclusive of tools, apparel, and bedding) not exceeding twenty pounds in the whole.

Special provisions as to certain kinds of property of bankrupt.

Appropriation of portion of salary of debtor.

57. Where a bankrupt is in the enjoyment of any salary, pension, or allowance, which is liable to attachment, the Official Assignee shall receive for distribution amongst the creditors so much of the bankrupt's salary, pension, or allowance, as the Court upon the application of the Official Assignee declares to be just and reasonable, to be paid in such manner and at such times as the Court may direct.

Delivery to Official Assignee of moneys and securities of debtor.

58. Any treasurer or other officer, or any banker, attorney, or agent of a bankrupt shall pay and deliver to the Official Assignee all moneys and securities in his possession or power as such officer or agent, which he is not by law entitled to retain as against the bankrupt or the Official Assignee.

Transfer of stock shares &c.

59. Where any part of the property of a bankrupt consists of stocks, shares in ships, shares, or any other property transferable in the books of any company, office, or

Bankruptcy Act.

person, the right to transfer such property shall be absolutely vested in the Official Assignee to the same extent as the bankrupt might have exercised the same if a petition had not been filed against or by him.

60. (1.) Where any part of the property of the bankrupt consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable by reason of its binding the possessor thereof to the performance of any onerous act or to the payment of any sum of money, the Official Assignee may, notwithstanding that he has endeavoured to sell or has taken possession of such property or exercised any act of ownership in relation thereto, by writing under his hand disclaim such property; and upon the execution of such disclaimer the property disclaimed shall, if the same is a contract, be deemed to have determined at the date of the filing of the bankruptcy petition so far as regards the interest of the bankrupt therein and the liability of himself and his property and of the Official Assignee thereunder, and, if the same is a lease, to have determined at the same date so far as regards the interest of the bankrupt therein and the liability of himself and his property and of the Official Assignee to the performance of the covenants and the conditions thereof, and if the same is shares in any company, to have been forfeited at the same date; and whatever be the nature of the property it shall, unless the Court otherwise orders, pass to the person, if any, entitled thereto on the determination of the estate or interest of the bankrupt therein, and in no case shall any estate, interest, or liability therein or thereunder remain in the bankrupt.

Disclaimer by
Official Assignee
of onerous and
unprofitable
property of
debtor.

(2.) Such disclaimer shall not prejudice the rights or remedies or affect the obligations of any person, other than the bankrupt and the Official Assignee, and the Court may on application made by any person claiming any interest in the disclaimed property, and upon hearing such persons as it thinks fit, make an order for the vesting of the same property in or delivery thereof (together with any deeds or documents relating thereto) to any person or persons entitled thereto or to a trustee for him or them, and upon such terms as the Court may think just; and upon any such vesting order being made, the property comprised therein shall vest, according to the tenor thereof, in the person or persons therein named in that behalf without any conveyance or assignment for the purpose.

(3.) Any person injured by the operation of any such

Bankruptcy Act.

disclaimer as aforesaid shall be deemed to be a creditor of the bankrupt to the extent of such injury, and may accordingly prove the same as a debt under the bankruptcy petition.

Limit to his right to disclaim.

61. The Official Assignee shall not be entitled to disclaim any property in pursuance of this Act in any case where an application in writing has been made to him as Official Assignee by any person interested in such property requiring such Official Assignee to decide whether he will disclaim or not, and the Official Assignee has for a period of not less than twenty eight days after the receipt of such application, or such further time as may be allowed by the Court, refused or neglected to give notice whether he disclaims the same or not.

Special provisions as to transactions affecting the bankrupt and his property.

Avoidance of voluntary settlements.

62. (1.) Any settlement of property not being a settlement made before and in consideration of marriage or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the Official Assignee, and shall, if the settlor becomes bankrupt at any subsequent time within five years after the date of the settlement, be void against the Official Assignee, unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(2.) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest whether vested or contingent, in possession or remainder, and not being money or property of or in right of his wife, shall on his becoming bankrupt before the property or money has been actually transferred to or paid pursuant to the contract or covenant, be void against the Official Assignee.

(3.) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

Bankruptcy Act.

63. Every conveyance or transfer of property or charge thereon, every payment, every judgment or other obligation and every judicial proceeding made, incurred, taken, confessed, or suffered by any person unable to pay his debts as they become due from his own moneys in favour of any creditor or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if an order for bankruptcy takes effect against the person making, taking, paying, or suffering the same within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the Official Assignee.

Fraudulent preferences.

64. Every conveyance or transfer of property made by any person unable to pay his debts to any other person in trust for any creditor shall be absolutely void, unless the same was made and executed with the assent of three fourths in number and value of the creditors of such person.

Conveyances to a trustee for a creditor when void.

65. (1) When any question arises during any bankruptcy as to the validity of any deed or judgment under the preceding provisions, the Court shall decide such question without any proceedings in the Court of Chancery being necessary, and the decision of the Court shall have the same force and effect as a decision of the Court of Chancery in the same matter.

Deed may be declared void without proceedings in Chancery.

(2) When any deed or judgment is declared void under the provisions of this Act, the Court shall direct the Registrar of the Island to enter a note of such decree or order on the margin of any deed or on the judgment (as the case may be) to which it relates that may be recorded or entered up (as the case may be) in the Registration Office.

66. Where the goods of any person have been taken in execution in respect of a judgment before an adjudication of bankruptcy, the Provost Marshal or other officer executing the process shall sell the same, and if he has notice of a bankruptcy petition presented by or against such person, hold the balance of the proceeds of the sale, after deducting expenses and fees of office, upon trust to pay the same to the Official Assignee or other person entitled thereto under the petition.

Provost Marshal to sell goods taken in execution before bankruptcy.

Debts provable against the bankrupt's estate.

67. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, distrain upon

Rights of landlord.

Bankruptcy Act.

the goods or effects of the bankrupt for the rent due to him from the bankrupt.

(2) If such distress for rent is levied after the commencement of the bankruptcy, it shall be available only for one year's rent accrued due prior to the date of the bankruptcy order.

(3) After notice received by or on behalf of the person making the distress of the making of the bankruptcy order, no sale shall be made of the goods distrained, unless the Court shall otherwise order, except by the Official Assignee, and the rent for which such distress is available and the expenses thereof shall be paid out of the proceeds of the sale.

Protection of certain bona fide transactions with bankrupt before filing petition.

68. Subject to the provisions of this Act relating to the proceeds of the sale of goods which have been seized, and to the provisions of this Act and every other law avoiding, on the ground of their being fraudulent, certain settlements, conveyances, transfers, charges, payments, obligations, and judicial proceedings, the following dealings and transactions relating to the property of the bankrupt, if they take place before the date of the filing of the petition, shall be valid notwithstanding any prior act of bankruptcy committed by the bankrupt, that is to say :—

(1) every payment by the bankrupt to any of his creditors ;

(2) every payment or delivery to him ;

(3) every conveyance, sale, or assignment for valuable consideration by and with him ; and

(4) every execution and attachment against his property executed and levied by seizure and sale ;

provided that the person to, by, or with whom such payment, delivery, conveyance, sale, assignment, contract, dealing, or transaction was made, executed, or entered into, or at whose suit or on whose account every such execution or attachment was issued, had not at the time of such payment, delivery, conveyance, assignment, sale, contract, dealing or transaction, or at the time of the levying or executing of such execution or attachment, or at the time of the making of any sale thereunder, notice of any act of bankruptcy committed by the bankrupt and available for adjudication against him at the time of the filing of the petition.

After one year from the date of bankruptcy Official Assignee

69. With the consent of any number of creditors who have proved against the bankrupt's estate claims amounting to more than one half of the total liabilities of such estate, the Official Assignee shall at the expiration of one year from

Bankruptcy Act.

the date of the making of the bankruptcy order, with a view to winding up the bankrupt's estate, advertise in the Gazette and in one or more of the local newspapers the book debts of the bankrupt remaining uncollected, including in such book debts any sums on security, for sale at auction in one or more lots at the office of the Official Assignee for cash to the highest bidder, and shall sell and dispose of the same, and shall give to the purchaser or purchasers a certificate in the form in the schedule marked "A" to this Act annexed, which certificate shall vest such debts in the purchaser, his executors administrators and assigns, and shall entitle him or them to sue for, recover, and receive the debts assigned, and such certificates when produced in any court shall be deemed sufficient proof of the sale by the Official Assignee to the purchaser of the debts therein referred to without any further or other proof that the provisions of this Act have been complied with.

with consent of one half in value of creditors may sell bankrupt's book debts.

70. (1) Where a bankrupt intends to make a proposal for a composition and satisfaction of his debts, or a proposal for a scheme of arrangement of his affairs, he shall within four days of his submitting his statement of affairs, or within such time thereafter as the Official Assignee may fix, lodge with the Official Assignee a proposal in writing signed by him embodying the terms of the composition or scheme which he is desirous of submitting for the consideration of his creditors, and setting out particulars of any sureties or securities proposed.

Compositions and schemes of arrangement.

(2) In such case the Official Assignee shall hold a meeting of creditors before the public examination of the bankrupt is concluded, and send to each creditor before the meeting a copy of the bankrupt's proposal with a report thereon, and if at that meeting a majority in number and three fourths in value of all the creditors who have proved resolve to accept the proposal the same shall be deemed to be duly accepted by the creditors, and when approved by the Court shall be binding on all the creditors.

(3) The bankrupt may at the meeting amend the terms of his proposal, if the amendment is in the opinion of the Official Assignee calculated to benefit the general body of creditors.

(4) Any creditor who has proved his debt may assent to or dissent from the proposal by a letter in the prescribed form addressed to the Official Assignee so as to be received by him not later than the day preceding the meeting, and any such assent or dissent shall have effect as

Bankruptcy Act.

if the creditor had been present and had voted at the meeting.

(5) The bankrupt or the Official Assignee may after the proposal is accepted by the creditors apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(6) The application shall not be heard until after the conclusion of the public examination of the debtor. Any creditor who has proved may be heard by the Court in opposition to the application notwithstanding that he may at a meeting of creditors have voted for the acceptance of the proposal.

(7) The Court shall before approving the proposal hear a report of the Official Assignee as to the terms thereof and as to the conduct of the debtor and any objection which may be made by or on behalf of any creditor.

(8) If the Court is of opinion that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, or in any case in which the Court is required to refuse the bankrupt his discharge, the Court shall refuse to approve the proposal.

(9) If any facts are proved, on proof of which the Court would be required either to refuse, suspend, or attach conditions to the bankrupt's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than five shillings in the pound on all the unsecured debts provable against the bankrupt's estate.

(10) In any other case the Court may either approve or refuse to approve the proposal.

(11) If the Court approves the proposal the Court shall order the bankruptcy to be annulled (the terms of the proposal being embodied in the order annulling the bankruptcy), and notice shall be given in the Official Gazette signed by the Registrar of the bankruptcy having been annulled.

(12) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the bankrupt and provable in the bankruptcy, but not from any liability under an affiliation order.

(13) The certificate of the Official Assignee that a composition or scheme has been duly accepted and approved

Bankruptcy Act.

shall in the absence of fraud be conclusive as to its validity.

(14) The provisions of a composition or scheme under this section may be enforced by the Court on an application by any person interested, and any disobedience of an order of the Court made on the application shall be a contempt of court.

(15) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appear to the Court on satisfactory evidence that the composition or scheme cannot in consequence of legal difficulties or for any sufficient cause proceed without injustice or undue delay to the creditors or to the bankrupt, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit on application by the Official Assignee or the trustee or by any creditor, again adjudge the debtor bankrupt and annul the composition or scheme but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection any debt provable in other respects which has been contracted before the adjudication shall be provable in the bankruptcy.

(16) If under or in pursuance of a composition or scheme a trustee is appointed to administer the debtor's property or manage his business or to distribute the composition, section one hundred of this Act shall apply as if the trustee were the Official Assignee.

(17) Sections fifty nine, sixty, sixty-five to sixty-eight, seventy to seventy-two, eighty to eighty-eight, ninety to ninety-two of this Act shall, so far as the nature of the case and terms of the composition or scheme admit, apply thereto.

(18) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(19) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

Upon an order annulling a bankruptcy being made, if so provided by the terms of the order, the property of every description shall without any conveyance or assignment whatever be re-vested in the bankrupt, and the Official Assignee shall immediately thereafter deliver up to such bankrupt any property of what kind soever belonging to

Bankruptcy Act.

the estate of such bankrupt which may have come into his possession together with all books and documents belonging to such bankrupt.

Upon any scheme of composition or compromise being effected, the Official Assignee shall be entitled to such compensation not exceeding two and a half per cent on the amount of the unrealized and uncollected assets of the estate in addition to any commission which he may have already earned as the Court may think fit to allow; provided that the Official Assignee may refuse to deliver up possession of such property until such compensation shall have been paid to him.

Official Assignee to sell all property not taken in execution before bankruptcy.

71. After the making of any order for bankruptcy the property of the bankrupt not previously taken in execution by the Provost Marshal shall be sold by the Official Assignee.

Sale of real estate.

Bankrupt's real estate to be sold when and as creditors direct.

72. If the bankrupt shall be interested in or entitled to any real estate either in possession, reversion, remainder, or expectancy, or to an undivided estate or interest in any land or house, such real estate shall be sold only within such time as two thirds in value of the creditors of such bankrupt present shall, from time to time in writing under their hands, direct at any meeting or meetings to be called for that purpose (notwithstanding the bankrupt's discharge may have been granted) by notice to be published for two weeks consecutively, once in each week, previous thereto in the Official Gazette and one of the newspapers of this Island, and such sale shall be made by public auction or by private contract, and either together or in lots, in such manner, at such time and place, and upon such terms and conditions as the said creditors shall have determined at such meeting or meetings: and in case of a joint tenancy, the bankruptcy of such joint tenant shall operate as a severance of such joint tenancy, and the Official Assignee and those claiming under him shall hold the bankrupt's estate or interest in any such land or house as a tenant in common; provided always that it shall be lawful for such creditors to be represented and to vote by agent duly appointed by them at any such meeting or meetings.

Effect of the Official Assignee's receipt for purchase money and conveyance.

73. In all cases in which the Official Assignee is authorized to sell the real estate of any bankrupt under the provisions of this Act, his receipt for the purchase money shall be an absolute discharge to the purchaser for the

Bankruptcy Act.

same, who shall not be bound to see to the application thereof or be responsible for any misapplication or non-application of such purchase money, and the conveyance of the Official Assignee of any such real estate executed after the first day of February one thousand eight hundred and ninety eight shall effectually pass such real estate thereby expressed to be conveyed, as in the conveyance is specified, and shall effectually discharge the same from all liens and incumbrances whatsoever of all persons whomsoever (including the Crown or parochial authorities), save and except such as are specified in such conveyance and subject and liable to which the Official Assignee shall have conveyed the said real estate.

74. In the conveyance of real estate purchased from the Official Assignee it shall not be necessary to join as parties with the Official Assignee persons in whom the legal estate in any mortgage in fee or the legal interest in any mortgage term of years or any other legal or equitable lien or security is vested, but such conveyance when executed by the Official Assignee shall be effectual to vest in the purchaser the real estate purported to be conveyed as if the persons having any lien or security (whether the same come within the purchase money or not) had been made parties to and had executed the said conveyance and had thereby granted, transferred, surrendered, or released the same.

No person need be joined with the Official Assignee in the conveyance.

75. The signature of the Official Assignee to the conveyance shall be conclusive evidence that all the provisions of this Act and all proceedings thereunder respectively necessary for the validity and full effect of the conveyance have been complied with and duly taken.

Effect of Official Assignee's signature to conveyance.

76. The three preceding sections shall apply to all property conveyed by the Official Assignee after the first day of February one thousand eight hundred and ninety eight whether the same shall be the property of any person declared bankrupt either before or after that date and whether the property shall have been sold before or after that date.

Application of three preceding sections.

77. (1) Demands in the nature of unliquidated damages, arising otherwise than by reason of a contract or promise, shall not be provable under a bankruptcy petition, and no person having notice of any act of bankruptcy available for adjudication against the bankrupt shall prove for any debt or liability contracted by the bankrupt subsequently to the date of his so having notice, unless the Court is of opinion that the property of the bankrupt has been benefited or

Debts provable against the debtor's estate.

Bankruptcy Act.

increased, or that his debts or liabilities have been diminished, by the payment of the money or execution of the contract upon which the debt or liability sought to be proved has arisen.

(2) Save as aforesaid all debts and liabilities, present or future, certain or contingent, to which the bankrupt is subject at the date of the order, or to which he may become subject by reason of any obligation incurred previously to the date of the order, shall be deemed to be debts provable under a bankruptcy petition in pursuance of this Act.

Estimate of debts of uncertain value.

78. An estimate shall be made by the Official Assignee according to the rules of court so far as the same may be applicable, and, where they are not applicable, at the discretion of the Official Assignee, of the value of any debt or liability provable which by reason of its being subject to any contingency or contingencies or for any other reason does not bear a certain value.

Definition of term "liability."

79. "Liability" shall, for the purposes of this Act, include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking whether such breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the bankrupt; and generally it shall include any express or implied engagement, agreement, or undertaking to pay or capable of resulting in the payment of money or money's worth, whether such payments be,

as respects amounts, fixed or unliquidated, and payable in one sum or by instalments or periodical payments; or

as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; or

as to mode of valuation, capable of being ascertained by fixed rules, or assessable only by a jury or as a matter of opinion.

Interest on debt.

80. Interest on any debt provable under this Act may be allowed under the same circumstances in which interest would have been allowable by a jury if any action had been brought for such debt.

Rights of proof by secured creditor.

81. (1.) A secured creditor who has not surrendered his security as hereinafter mentioned may realise or otherwise deal with it to the same extent as he would have been entitled to realise or deal with it if the debtor had not been declared a bankrupt.

Bankruptcy Act.

(2.) If a secured creditor realises his security, he may prove for the balance due to him after deducting the net amount realised.

(3.) If a secured creditor surrenders his security to the Official Assignee for the general benefit of the creditors he may prove for his whole debt.

(4.) If a secured creditor does not either realise or surrender his security he shall before ranking for dividend state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect to the balance due to him after deducting the value so assessed.

(5.) A secured creditor shall within two months after the date of the order of adjudication notify which of the above courses he intends to adopt.

(6.) *a.* If the Official Assignee is dissatisfied with the value at which a security is assessed he may require that the security be realised, or, if the terms of the security permit of the same, that the property comprised therein be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the Official Assignee, or as in default of such agreement the Court may direct. If the sale be by public auction the creditor or the Official Assignee on behalf of the bankrupt's estate may bid or purchase.

b. Provided that the creditor may at any time by notice in writing require the Official Assignee to elect whether he will or will not exercise his power of requiring the security to be realised, and if the Official Assignee does not within two months after receiving the notice signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it, and the equity of redemption or any other interest in the property comprised in the security which is vested in the Official Assignee shall vest in the creditor and the amount of his debt shall be reduced by the amount at which the security has been valued.

(7.) Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the Official Assignee or the Court that the valuation and proof were made bona fide on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation, but every such amendment shall be made at the cost of the creditor and upon such terms as the Court shall order, unless the Official Assignee shall allow the amendment without application to the Court.

Bankruptcy Act.

(8.) Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

(9.) If a creditor after having valued his security subsequently realises it or if it is realised under the provisions of subsection six, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

(10.) If a secured creditor does not comply with the foregoing subsections he shall be excluded from all share in any dividend.

(11.) Subject to the provisions of subsection six, a creditor shall in no case receive more than twenty shillings in the pound and any interest to which he may be entitled under this Act.

Proof in respect of distinct contracts in different capacities.

82. If the bankrupt is at the date of the order liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor or as a joint contractor, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts against the properties respectively liable upon such contracts.

Mutual dealings and set-off.

83. Where there have been mutual credits, mutual debts, or other mutual dealings between the bankrupt and any person having a debt provable under the bankruptcy petition, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of such amount, and no more, shall be proved or paid on either side respectively.

Proof by landlord for residue of debt not

84. (1.) A landlord or other person to whom rent is due from the bankrupt, and who has been prevented from

Bankruptcy Act.

recovering the full amount of such rent by the operation of section sixty seven may prove for so much of the rent as by reason of that section he was prevented from recovering. recoverable by distress &c.

(2.) Where any rent or other payment falls due at stated periods, and the order is made at any time other than one of such periods, the person entitled to such rent or payment may recover a proportionate part thereof up to the date of such order as if such rent or payment grew due from day to day, and the Official Assignee shall pay the same accordingly, and he shall also pay rent at the same rate for any time he may occupy the premises during the realization of the property therein.

Distribution of assets, and dividends.

85. In the calculation and distribution of a dividend it shall be obligatory on the Official Assignee to make provision for debts provable under this Act appearing from the bankrupt's statements or otherwise to be due to persons resident in places so distant from the place where the Official Assignee is acting that, in the ordinary course of communication, they have not had sufficient time to tender their proofs, and also for debts provable under the bankruptcy petition which had been notified to him in manner prescribed, and are subject to claims not yet determined, and on any such debt being established the creditor shall be entitled to receive the dividend reserved thereon. Calculation and distribution of dividend.

86. Creditors shall prove their debts by affidavit to be sworn before the Official Assignee, or by declaration made before any of the persons mentioned in the Evidence Act 1905, and creditors who have not proved their debts before the declaration of any dividend or dividends shall, on the occasion of the next dividend being declared, be entitled to be paid any dividend or dividends they have failed to receive before any moneys are made applicable to the payment of any other dividend or dividends, but they shall not be entitled to disturb the distribution of any dividend declared before their debts were proved by reason that they have not participated therein. Rights of creditor who proves after dividend.

87. (1) When all the property of the bankrupt from which any moneys available for division amongst the creditors can, in the opinion of the Official Assignee, be reasonably expected to arise, has been realised, the Official Assignee shall declare a final dividend. Notice and declaration of final dividend.

(2) Before doing so, he shall give notice to the per-

Bankruptcy Act.

sons whose claims to be creditors of the bankrupt have been notified to him and not established to his satisfaction, that if they do not establish such claims to the satisfaction of the Court within a time to be limited for that purpose by the notice, he will proceed to make final division of the property without regard to such claims.

(3) After the expiration of such time, or if the Court upon application by any such claimant grants further time to him for establishing his claim, then on the expiration of such further time the property of the bankrupt divisible amongst the creditors shall be divided amongst the creditors who have proved their debts without regard to the claims of any other persons.

Rules as to priority of payment.

Order of payment of debts.

38. The debts hereinafter mentioned shall be paid by the Official Assignee in the order and priority hereinafter specified, but, except as otherwise provided, debts of the same class shall rank equally between themselves, and where the property of the bankrupt is insufficient to pay them in full shall abate in equal proportions between themselves, that is to say:—

First (a) All debts due to the Crown.

Next (b) All public taxes or rates of any description imposed or assessed by or under the authority of law due from the bankrupt at the date of the bankruptcy order, not exceeding in the whole one year's taxes or rates.

Next (c) All wages or salary of any clerk or servant in respect of services rendered to the bankrupt during the four months next preceding the date of the bankruptcy order, including any proportional part of a month, not exceeding in the whole fifty pounds; and all wages of any labourer, mechanic, or workman in respect of services rendered to the bankrupt during the four months next preceding the date of the bankruptcy order including any proportionate part of a month, not exceeding in the whole twenty five pounds.

Next (d) According to their respective priorities;

(1) all judgments obtained by default or on the verdict of a jury in the Court of Common Pleas, or obtained by default or otherwise in any of the other courts of this Island;

(2) all judgments confessed in the Court of Common Pleas and not being fraudulent and void as against the Official Assignee under this Act; and

Bankruptcy Act.

(3) all decrees and orders of the Court of Chancery or other superior court of this Island : provided always that all mortgages of and charges against specific real estate, not being fraudulent and void as against the Official Assignee under this Act, and all judgments affecting specific real estate only, not being fraudulent and void as against the Official Assignee under this Act, shall be paid from such specific real estate only, according to their respective priorities.

Next (e) All other debts provable under the bankruptcy order.

89. If an order for bankruptcy is made against one member of a partnership, a creditor to whom that partner is indebted jointly with the other partners of the firm or any of them shall not receive any dividend out of the separate property of the first-mentioned partner until all the separate creditors have received the full amount of their respective debts.

Relative rights of joint and separate creditors.

Joint debtors.

90. Any creditor whose debt is sufficient to entitle him to present a petition against all the members of a partnership, or against all of several joint debtors, may present such petition against any one or more of such persons without including the others.

Petition against partners or joint debtors.

91. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them without prejudice to the effect of the petition as against the other or others of them.

Dismissal of petition against some respondents only.

92. A bankruptcy order made against a firm shall operate as if it were a bankruptcy order made against each of the persons who at the date of the order is a partner in that firm.

Bankruptcy order against a firm.

93. Where an order for bankruptcy is made against any member of a firm or partnership, any creditor to whom that partner is indebted jointly with the other partners of the firm or any of them may prove his debt for the purpose of voting, and may vote at a meeting of creditors.

Proof by creditor of firm against one partner.

94. (1) Where the bankrupt is a member of a partnership, the Official Assignee may when authorized by the Court bring or prosecute any action or other proceeding in the name of himself and of the bankrupt's partner.

Official Assignee's right of action where bankrupt is member of a firm.

(2) In such case, any release by such partner of the debt or demand to which the action or proceeding relates shall be void.

Bankruptcy Act.

(3) Before applying to the Court for authority to bring or prosecute such action or proceeding, the Official Assignee must give notice to the partner, who may show cause against it, and, upon application made by him, the Court may if it thinks fit direct that he shall receive his proper share of the proceeds of the action or proceeding, and shall, if no benefit is claimed by him therefrom, be indemnified against costs in respect thereof as the Court may direct.

Bankrupt's joint contracts.

95. Where a bankrupt is a contractor in respect of any contract jointly with any other person or persons, such person or persons may be sued, and, if no action is pending at the suit of the Official Assignee in respect thereof, may sue in respect of such contract, without the joinder of the bankrupt.

Order where member of a firm is absent or a lunatic.

96. (1) Where any order for bankruptcy has been made against any member or members of the firm, and any one or more persons being a member or members of the same firm is or are out of this Island, or of unsound mind, or is an infant, the Court shall have jurisdiction, after giving the prescribed notices, to make an order for the administration of the joint property of the members of the firm, on its being proved to the satisfaction of the Court that the firm are unable to pay their debts, but it shall not be lawful to adjudge any member of the firm absent from the Island a bankrupt under this section.

(2) Upon such order being made, the property of the firm shall vest in the Official Assignee, and shall be administered in all respects as if a bankruptcy petition had been presented and an order made in the first instance against all the members of the firm.

Discovery of bankrupt's property.

Court may summon bankrupt and other persons, and require production of documents.

97. (1) At any time after a bankruptcy order has been made, the Court may summon before it the bankrupt or his wife, or any person known or suspected to have in his possession any of the property of the bankrupt or supposed to be indebted to the bankrupt, or any person whom the Court may deem capable of giving information respecting the bankrupt, or his property, trade dealings, or affairs, and the Court may require any such person to produce any books, documents, or other things in his custody or power relating to the bankrupt, his property, or trade dealings, or affairs.

(2) If any person so summoned, after having been tendered a reasonable sum for travelling expenses, refuses or

Bankruptcy Act.

neglects to produce such books, documents, or other things, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may by warrant cause such person to be apprehended, and brought before it for examination.

98. (1) The Court may examine upon oath, either by word of mouth or by written interrogatories, any person so summoned or brought before it, or any person being present before the Court concerning the bankrupt or his property, trade dealings, or affairs. Examination of witnesses.

(2) If any person in his examination admits that he is indebted to the bankrupt, the Court may on the application of the Official Assignee or of its own motion order him to pay the Official Assignee at such time and in such manner as to the Court may seem expedient the amount admitted or any part thereof either in full discharge of the whole amount in question or not as the Court thinks fit, with or without costs of the examination.

99. Any person acting under warrant of the Court may seize any property of the bankrupt divisible amongst his creditors under this Act, and in the bankrupt's custody or possession or in that of any other person, and may, if necessary for the purpose of such seizure, break open any house, building, or room of the bankrupt, where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that the property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search warrant to any constable or officer of the Court who may execute the same according to the tenor thereof. Power to seize bankrupt's property and to search for the same.

Arrest of bankrupt.

100. At any time after the presentation of a petition, Bankrupt may be arrested in certain cases.

(a) if it appears to the Court that there is probable reason for believing that the debtor or bankrupt will not attend any sitting of the Court to which he is summoned, or if he does not attend any such sitting, or if there is probable reason for believing that he is about to leave this Island or to quit his place of residence, with the view of avoiding examination in respect of his affairs or otherwise delaying or embarrassing the proceedings under the petition, or that he is about to remove his property with the view of preventing and delaying such property being placed under the

Bankruptcy Act.

control or possession of the Official Assignee, or that he has concealed or is about to conceal or make away with any of his property, or any books, documents, or writings which might be of use to his creditors in the course of the proceedings; or

(b) if the debtor or bankrupt knowing that a petition has been filed against him removes any property in his possession above the value of five pounds without the leave of the Official Assignee, or without good cause shown fails to attend any examination ordered by the Court, the Court may cause the debtor or bankrupt to be arrested and imprisoned, and any books, papers, or property in his possession to be seized and safely kept in such manner and until such time as the Court may order.

Letters addressed to bankrupt.

101. The Postmaster or the officers acting under him shall deliver all letters which may from time to time be sent addressed to the debtor or bankrupt to the Official Assignee until the bankrupt's discharge.

Provisions relating to evidence.

Certified copies of entries in Official Assignee's books evidence.

102. Copies authenticated by the signature of the Official Assignee of any entries in the books kept by him with respect to any estate vested in or administered by him under this Act shall be admissible in evidence in any legal proceeding or for any other purpose, and shall have the same effect in evidence in all respects as the originals from which such copies were made.

Judicial notice to be taken of his signature.

103. In all legal proceedings judicial notice shall be taken of the signature of the Official Assignee; but any Court, Judge, or Magistrate may require such signature to be proved in the ordinary way if it is doubtful to such Court, Judge, or Magistrate whether the alleged signature is genuine.

Deposition of deceased person admissible in evidence.

104. In case of the death of the debtor or bankrupt or his wife, or of a witness whose evidence has been received by the Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be sealed, shall be admitted in any legal proceedings as evidence of the matters therein deposed to.

Gazette containing notice of bankruptcy conclusive evidence.

105. The production of a copy of the Gazette containing a notice of a bankruptcy order shall be conclusive evidence in all legal proceedings that the bankruptcy order was duly made, and also of the date of such order.

*Bankruptcy Act.**Provisions relating to legal proceedings.*

106. Any document in any legal or other proceeding taken by or against the Official Assignee may be served by being left at his office, and such service shall have the same effect as if it had been made personally. Service of documents on Official Assignee.

107. Proceedings under this Act shall not be invalidated by any defect or irregularity, unless the Court is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of the Court. Irregularity &c., not to invalidate proceedings.

108. Any person to whom any chose in action belonging to the bankrupt is assigned in pursuance of this Act may bring or defend any action relating to such chose in action in his own name. Right of assignee of bankrupt's chose in action.

109. (1) The Chief Judge may from time to time make, revoke, and alter general rules for carrying into effect this Act. Chief Judge empowered to make rules, &c.

(2) In any case where it is provided by this Act that any matter or thing is to be done as prescribed, and no rule of court has been made with respect to such matter or thing, it shall be lawful for the Court to give such directions, either general or special, with respect to the doing of such matter or thing as it may think fit.

110. (1) The Court may at any time after an order of bankruptcy has been made against a debtor stay any action, execution, or other legal process against the property or person of the debtor; and any court in which proceedings are pending against a debtor may, on proof that an order of bankruptcy has been made against a debtor on his own petition or on the petition of a creditor, either stay the proceedings, or allow them to continue on such terms as it may think just. Stay of actions &c., against bankrupt.

(2) Where the Court makes an order staying any action or proceedings, or staying proceedings generally, the order may be served by sending a copy thereof, certified by the Registrar, by prepaid post letter to the plaintiff or other party prosecuting such proceeding.

Application of bankruptcy law to married women.

111. A married woman who has contracted any debts, otherwise than as the agent of her husband or some other person, shall be liable in respect of her separate estate to all How far Act affects married women.

Bankruptcy Act.

the provisions of this Act, and shall be entitled in respect of her debts to the benefit of all the provisions thereof.

Annulling or revoking of order in bankruptcy.

Power to the Court to annul adjudication of bankruptcy.

112. (1) The Court may at any time for sufficient reason annul an adjudication; but in such case all sales and dispositions of property and payments duly made, and all acts theretofore done by the Official Assignee or any person acting under his authority, or by the Court, shall be valid, but the property of the bankrupt remaining undisposed of by the Official Assignee shall in such case vest in such person as the Court may appoint, or in default of any such appointment without any conveyance or assignment whatever revert to and revest in the bankrupt, upon such terms and subject to such conditions, if any, as the Court may declare by order.

(2) A copy of the order of annulment shall be forthwith published by the Registrar in the Gazette and in one of the newspapers of the Island, and the production of a copy of the Gazette containing such order of annulment shall be conclusive evidence of such annulment, and of the date and the terms of the order.

(3) The Court shall by any such order direct that on the annulment the remedies of all creditors against the debtor shall revive.

Administration in bankruptcy of estate of deceased debtor.

Bankruptcy petition may be filed against a deceased debtor.

113. (1.) Any creditor of a deceased debtor, whose debt would have been sufficient to support a bankruptcy petition against such debtor had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

Notice to be given to legal representative of deceased debtor.

(2.) Upon the prescribed notice being given to the legal personal representative of the deceased debtor, or without such notice on proof that there is no legal personal representative of the deceased debtor, the Court may in the prescribed manner upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

Petition not to be presented

(3.) A petition for administration under this section shall not be presented to the Court after proceedings have

Bankruptcy Act.

been commenced in any Court of Justice for the administration of the deceased debtor's estate, but that Court may in such case either on the application of any creditor or without such application, but in either case on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may in the prescribed manner make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

after proceedings for administration have been commenced.

(4.) Upon an order being made for the administration of a deceased debtor's estate the property of the debtor shall vest in the Official Assignee, and he shall forthwith proceed to realise and distribute the same in accordance with the provisions of this Act.

Deceased debtor's property to vest in the Official Assignee.

(5.) With the modifications hereinafter mentioned all the provisions of this Act relating to the administration of the property of a bankrupt shall so far as the same are applicable apply to the case of an administration order under this section in like manner as to an order of adjudication.

Property administered as in case of ordinary bankruptcy.

(6.) In the administration of the property of a deceased debtor under an order of administration the Official Assignee shall have regard to any claim by the legal personal representative of the deceased debtor to payment of the proper funeral and testamentary expenses and other charges incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order and be payable in full out of the debtor's estate in priority to all other debts.

Exceptions.

(7.) If on the administration of a deceased debtor's estate any surplus remains in the hands of the Official Assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal personal representative of the deceased debtor's estate, or dealt with in such manner as may be prescribed.

Surplus to be paid to personal representative.

(8.) Notice to the legal personal representative of a deceased debtor of the presentation by a creditor of a petition under this section, shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after such notice no payment or transfer of property made by the legal personal representative shall operate as a discharge to him as between himself and the Official Assignee; save as afore-

Effect of order of administration of deceased debtor's estate.

Bankruptcy Act.

said nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal personal representative before the date of the order for administration.

Rules.

(9.) General rules for carrying into effect the provisions of this section may be made in the same manner and to the like effect and extent as in bankruptcy.

Provisions binding the Crown.

Certain provisions to bind the Crown.

114. The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, the effect of a discharge, and the proceedings against a deceased debtor's estate, shall bind the Crown.

Offences.

Offences against bankruptcy law.

115. Every person adjudged a bankrupt under the bankruptcy laws of this Island shall, in each of the cases following, unless he had no intent to defraud, or had no intent to conceal the state of his affairs, or to defeat the law, as the case may be, be deemed guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding one year, that is to say :

(1) if he does not to the best of his knowledge and belief fully discover to the Official Assignee all his property and how and to whom and for what consideration and when he disposed of any part of his property, except such part as has been disposed of in the ordinary way of his trade, if any, or laid out in the ordinary expense of himself or his family ;

(2) if he does not deliver up to the Official Assignee, or as he directs, all such part of his property as is in his custody or under his control and which he is required by law to deliver up ;

(3) if he does not deliver up to the Official Assignee, or as he directs, all books, documents, papers, and writings in his custody or under his control relating to his property or affairs ;

(4) if after the presentation of the petition against him or within six months next before such presentation he has concealed or removed any part of his property to the value of ten pounds or upwards or concealed any debt due to or from him ;

Bankruptcy Act.

(5) if he makes any material omission in any statement required under this Act relating to his affairs ;

(6) if knowing or believing that a false debt has been proved by any person under the bankruptcy proceedings, he fails for the period of one month or more to inform the Official Assignee thereof ;

(7) if after the presentation of the petition he prevented the production of any book, document, paper, or writing affecting or relating to his property or affairs ;

(8) if after or within six months before the presentation of the petition he has concealed, destroyed, mutilated, or falsified, or has been privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs ;

(9.) if either before or after the presentation of the petition he made or was privy to the making of any false entry in any book or document affecting or relating to his property or affairs ;

(10.) if after or within six months before the presentation of the petition he has parted with, altered, or made any omission in, or has been privy to the parting with, altering, or making any omission in, any document affecting or relating to his property or affairs ;

(11.) if after or within six months before the presentation of the petition he has attempted to account for any part of his property by fictitious losses or expenses ;

(12.) if within six months before the presentation of the petition he has by any false representation or other fraud obtained any property on credit and has not paid for the same ;

(13.) if within six months before the presentation of the petition he has obtained under the false pretence of carrying on business and dealing in the ordinary way of his business any property on credit and has not paid for the same ;

(14.) if within six months next before the presentation of the petition he has pawned, pledged, or disposed of, otherwise than in the ordinary way of his business, any property which he had obtained on credit and not paid for ;

(15.) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy or liquidation ;

(16.) if after or within six months before the pre-

Bankruptcy Act.

sentation of the petition he has quitted this Island and taken with him, or attempted or made preparation for quitting the Island and for taking with him, any part of his property to the amount of twenty pounds or upwards which would by law be divisible amongst his creditors under the bankruptcy ;

(17.) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud ;

(18.) if he has with intent to defraud his creditors or any of them made or caused to be made any gift, delivery, or transfer of or any charge on his property ;

(19.) if he has with intent to defraud his creditors concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

Power of Court to punish for such offences.

116. If at any time before an order of discharge is granted to a bankrupt it appears to the Court that the bankrupt has committed any offence mentioned in the last preceding section, or has incurred or contracted any debt by means of a breach of trust or without having had any reasonable or probable ground of expectation at the time when he incurred or contracted such debt of being able to pay the same, or that he has lived extravagantly or beyond his proper means, the Court may order the bankrupt to be imprisoned for any period not exceeding one year with or without hard labour.

Discharge no bar to criminal proceedings.

117. Where a debtor has been guilty of any criminal offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge, or that a composition or scheme of arrangement with his creditors has been accepted or approved.

SCHEDULE.

By order of the creditors of the estate of E.F.
a bankrupt, I, A.B., Official Assignee of this Island, do hereby assign to C.D. all and every sum and sums of money remaining uncollected in the books of the said E.F., amounting together to the sum of £ and all securities (if any) for the same, in consideration of £ this day paid me by him.

Signed, A.B.,
Official Assignee.

1903—9.

Commissioners of Probates Act.

1903—9.

An Act to consolidate the Acts of this Island relating to Commissioners of Probates.

[31 December 1903.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Commissioners of Probates Act, 1903.* Short title.

2. It shall be lawful for the Governor to appoint from time to time any number of persons, not exceeding five in number, to be Commissioners for taking the acknowledgment and the probate of deeds, and the private examination of married women in cases where such examination is required by law; and such Commissioners so from time to time to be appointed under the authority of this Act shall respectively be invested with the same power and authority in this behalf as the Chief Judge is invested with; and the fees set forth in the schedule to this Act shall be payable to the Chief Justice and to all Commissioners of Probates in respect of acknowledgments, probates, and private examinations, and the fees of Commissioners shall be taken and retained by them for their respective uses; and such Commissioners are hereby declared to be exempt from serving on juries. Governor to appoint Commissioners for taking probate of deeds &c.

3. It shall be lawful for the Governor to grant leave to any Commissioner of Probates of this Island, and to approve of his duties being performed by any other person or persons during such leave, and such acting Commissioner of Probates shall be invested with, and have, exercise, and perform, the same powers and authorities, rights and duties, as a Commissioner of Probates appointed under this Act is invested with, and shall be entitled to the same fees. Governor empowered to appoint an acting Commissioner of Probates.

4. The office of Commissioner of Probates shall not be deemed to be an office coming within the provisions of the Pension Act, 1907. Commissioner not entitled to pension.

Commissioners of Probates Act.

SCHEDULE.

	s. d.
For proving every Deed other than a Power of Attorney, including the taking of the private examination of any married woman, party thereto, and the writing of the affidavit or certificate of proof and private examination	8 4
NOTE.—If the value of the property dealt with in such deed shall be under the value of £100, only half of the above fee shall be payable.	
For proving any Power of Attorney, including as above	3 4

1903—10.

An Act to prohibit the importation of Bounty-fed Sugar.

[31st December, 1903.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

- Short title. **1.** This Act may be cited as the Bounty-fed Sugar Act, 1903.
- Comptroller of Customs to issue certificates of origin of sugar exported. **2.** The Comptroller of Customs is hereby authorized to sign and issue certificates of origin of sugar exported from this Island to any State party to the Convention, signed on the fifth day of March nineteen hundred and two in relation to sugar, in the form in schedule A hereto annexed, or to any State not party to the said Convention in a form containing all the particulars required by such State.
- Penalty for false particulars. **3.** If the certificate of the origin of any sugar exported from this Island be false in any material particular, the person making, or causing to be made, the declaration on which the certificate is issued shall be liable to a penalty not exceeding one hundred pounds to be recovered in a summary manner on the complaint of any person.
- Governor-in-Executive Committee may make order prohibiting importation of bounty-fed sugar. **4.** The Governor-in-Executive Committee is hereby empowered to make an order prohibiting all sugar from any country (other than molasses and sugar-sweetened products) to be imported or brought into this Island, if the permanent Commission appointed under the Brussels Sugar Convention of the fifth day of March nineteen hundred and two

Bounty-fed Sugar Act.

shall have decided that such sugar receives a bounty under the terms of that Convention.

5. (1.) While an order made under the preceding section is in force, all sugar (other than molasses and sugar-sweetened products) imported or brought into this Island, except in transit, shall be accompanied by a certificate of origin indicating (a) the kind and quantity of sugar; (b) the kind, number, and marks of the packages; (c) the country of production, of origin, or of manufacture, and the country of destination of the goods; and (d) the mode of carriage by land or water.

While order is in force, certificates of origin must accompany all sugars, except in transit.

(2.) The certificate must be signed and issued by the fiscal authority having jurisdiction in the country of production, of despatch, or of transformation, such fiscal authority being duly empowered for that purpose by the Government of the State.

Certificate executed.

(3.) When the country of origin of any sugar the subject of a certificate is a State not party to the Convention, the certificate must, in addition to the particulars required above, state that the goods are derived from a factory which does not work sugar coming from a State, the sugar from which State is prohibited to be imported into this Island, and any such certificate must, as a guarantee of due signature and issue, be viséd by the proper British Consul or Vice Consul.

Where sugar comes from a country not a party to Convention further particulars required in certificate.

(4.) No certificate is to be deemed valid after the expiry of twelve calendar months from the date of its issue, or such less time (if any) as may be mentioned in the certificate by the fiscal authority issuing the same.

Certificate void after 12 calendar months.

(5.) Sugar in transit shall be warehoused and shall be under Customs control until it leaves the Island.

Transit sugar to be under Customs control.

6. (1.) All sugar (except in transit) imported or brought into this Island not accompanied by a certificate of origin shall, subject as hereinafter provided, be treated as goods prohibited to be imported by section forty five of the Trade Act, 1910 are treated, and the importer of such sugar, or the person who keeps or conceals any such sugar, shall be liable to a penalty not exceeding one hundred pounds, to be recovered in a summary manner on the complaint of any person.

Sugar imported without certificate to be forfeited and destroyed and offender liable to a penalty not exceeding £100.

(2.) If any sugar reaches this Island before the arrival of the certificate of origin relating to the same, and the importer makes an application in writing in the form in schedule B hereto annexed to the Comptroller of Customs stating that to the best of his belief the sugar imported

Where sugar arrives before the certificate.

Bounty-fed Sugar Act.

is the produce of a country, the sugar from which is not prohibited to be imported into this Island, or if this cannot be given, that the sugar does not emanate from a prohibited country, and requesting that security for the due production of the certificate may be accepted, and that meantime the sugar may be delivered, the Comptroller of Customs may, if he has no reason to suspect that the sugar has emanated from a prohibited country and is satisfied in other respects, allow security either in cash deposit or by bond in such penalty as he may think fit to be taken for the production of the certificate within a reasonable period at his discretion from the date of application.

 SCHEDULE A.
Certificate of Origin.

I, the undersigned Comptroller of Customs, do hereby certify that Mr.

(a) { Partner Secretary, or
Director, Authorised
Manager, Agent, }
of (b)

of the Firm of Messrs.

has declared before me on his responsibility, that the sugar designated below is the produce of (c) and is to be exported to (d).

Number and description of packages.		Marks.	Numbers.	Net weight in cwts.	Description of sugar.	Polarization.	Name of exporting vessel.
No.	Description.						

Bounty-fed Sugar Act.

So declared under my responsibility.

.....
 (a) { Partner,
 Director,
 Manager,
 Secretary, or
 Authorised
 Agent. } of the Firm of

this..day of 190

.....
 Comptroller of Customs.

Port of.....

The validity of this certificate expires twelve months from the date of the declaration.

This certificate is not applicable to sugar in transit.

-
- Note— (a) Delete words which do not apply.
 (b) Address.
 (c) This Island or name of country of origin.
 (d) Country of destination.

SCHEDULE B.

Application to deposit money or give bond for the due production of a Certificate of Origin for sugar imported.

To the Comptroller of Customs at Barbados.

Sir,

I request that you will allow me * to (deposit the sum of £) (give bond in the penalty of £) for the due production to you within months of a Certificate of Origin for cwts. of sugar marked and numbered imported in the vessel from

To the best of my belief the sugar in question * (is the produce of) (does not emanate from a country from which the importation of sugar is prohibited under the Order of the Governor in-Executive Committee dated the 190)

Subject to your approval I beg that the sugar may, in

Bounty-fed Sugar Act.

the meantime, be delivered for *(Home Consumption)
(removal under bond to)

I am, Sir,

Your obedient servant,

Address.....

.....

Date.....

Position held by applicant,
whether Member of Firm,
Manager, Secretary, etc., etc.

* Delete words which do not apply.

(END OF VOL. II)

INDEX OF ACTS.

Absentees, Estate Duty on	...	...	...	...	164
Administrators &c.	...	...	...	...	1
Appeal, Assistant Court of	...	...	...	...	395
Animals, Cruelty to	...	...	...	...	560
Arms, Exportation of	...	...	...	...	535
Arms, Fire	...	...	...	...	191
Assembly, Stationery allowance to Clerk of	...	...	...	...	37
Assistant Court of Appeal.	...	...	...	...	395
Barbados Branch of Manchester Unity Friendly Society	...	...	...	...	531
Bankruptcy	...	...	...	...	601
Bastardy, Settlement of the Poor and	...	...	...	...	271
Bert de Lamarre, Louis (Naturalization)	...	...	...	...	73
Bills of Lading	...	...	...	...	47
Bills of Sale	...	...	...	...	61
Bounty-fed Sugar	...	...	...	...	644
Bulkeley Trust Fund (St. George's)	...	...	...	...	74
Butcher Trust Fund (St. George's)	..	...	...	...	81
Cane Fires (Prevention)	...	...	...	...	530
Carriages, Livery and Hackney..	...	...	...	...	431
Central Sugar Factory	...	...	...	...	158
Chancery, Master in	...	...	...	...	551
Chaplains and Printing Committee	...	...	...	...	37
Clerk of the Assembly, Stationery	...	...	...	...	37
Colonial Secretary's Office	..	...	...	...	572
Columbian Dollar (Demonetization)	...	...	...	...	73
Commissioners of Probates	...	...	...	...	643
Constables, Parish	...	...	...	...	443
Constitution Swamp and Reef (Vesting)	...	...	...	...	99
Contempt of Court	...	...	...	...	39
Cruelty to Animals	...	...	...	...	560
Customs Tariff	...	...	...	...	486
Debates, Legislative	...	...	...	...	112
Demonetization (Spanish, Mexican, and Columbian Dollar)	...	...	...	...	73
Desertion, Military	...	...	...	...	156
Dog Licenses	...	...	...	...	538
Druggists	...	...	...	...	87

INDEX OF ACTS.

Electric Light and Power	363
Employers Liability	226
Escheat	326
Estate Duty on Absentees	164
Executors &c.	1
Exportation of Arms	535
Factory, Central Sugar	158
False Oaths (Punishment)	269
Feeding Stuffs, Fertilizers and	106
Fertilizers and Feeding Stuffs	106
Fire Arms	191
Fires, Cane (Prevention)	530
Garnes Trust Property (St. Philip's)	168
Gaugers	166
Girls, Reformatory and Industrial School for	549
Goods, Sale of	136
Government Securities, Trust Investments in...	536
Guardians &c.	1
Hackney Carriages	434
Highways	447
Hurricane Loan	380
Hutton Trust Fund	190
Industrial School for Girls	549
Interpretation	101
Investment of Surplus Revenue	530
Investment of Trustees in Barbados Government Securities	536
Judgments, Registration of	69
Lading, Bills of	47
Landlord and Tenant	242
Legislative Debates	112
Life Assurance Companies (Payment into Court)	270
Lighthouses	566
Loan Acts—St. Michael's	233
" " St. Philip's	485
" " St. Thomas's	386
" " Waterworks	111
" " Westbury Cemetery	233
Locomotives on Highways	541
Louis Bert de Lamarre (Naturalization)	73
Livery Carriages	434
Lyder Trust Property (St. John's)	229
Manchester Unity Friendly Society	531
Marlholes	166
Married Women	194

INDEX OF ACTS.

Masonic Lodge (St. Michael's) Trustees	554
Master in Chancery	551
Merchandize Marks	176
Merchant Shipping	282
Mexican Dollar (Demonetization)	73
Military Desertion, Uniforms and	156
Mines Regulation	335
Motors	541
Newspapers, Registration of	391
Oaths, False (Punishment)	269
Odd Fellows (Manchester Unity)	531
O.K. Manufacturing Company (Exemption from Duty)	552
Omnibus, Livery and Hackney Carriages	434
Parish Constables	443
Patents	578
Pensions, (Public Elementary School Teachers)	534
People, Representation of the	494
Petty Debt Court	338
Petty Trespass	567
Pilgrim Place School	72
Police Tax	44
Poor and Bastardy, Settlement of the	271
Poor Relief	49
Printing Committee	37
Prisoners of War	547
Probates, Commissioners of	643
Reef (Vesting)	99
Reformatory and Industrial School for Girls...	549
Regulation of Whipping	362
Registration of Judgments	69
Registration of Newspapers	391
Registration Office	575
Representation of the People	494
Revenue Surplus, Investment,	530
Sale, Bills of	61
Sale of Goods	136
Saint Michael's Masonic Lodge, Trustees	554
Saint Mary's Schools	60
Saint Michael's Parish Loan	233
Saint Michael's Parochial Building (Purchase)	324
Saint Philip's Parish Loan	485
Saint Thomas's Parish Loan	386
School Teachers, Public Elementary, Pensions	534
Settlement of the Poor and Bastardy	271

INDEX OF ACTS.

Solicitors	208
Spanish Dollar (Demonetization)	73
Stade's (Jetty)	59
Stationery, Clerk of the Assembly	37
Sugar, Bounty-fed	644
Sugar Factory, Central	158
Surplus Revenue, Investment	530
Swamp, Constitution (Vesting)	99
Teachers, Public Elementary School, Pensions	534
Tenant, Landlord and	242
Thorne's (Construction of Slip)	38
Trustees &c.	1
Trustee Investments in Barbados Government Securities	536
Uniforms and Military Desertion	156
Vaccination	546
Vagrancy	265
Victoria Emigration Society	239
Waterworks Loan	111
Waterworks	114
Westbury Cemetery Loan for Enlargement	233
West Indian Oil Syndicate (Limited)	279
Whipping, Regulation of	362

